

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
DECEMBER 12, 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, and Don Mueller and Steve Schneider.

Councilmember absent were: Russell Machann.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Secretary Paula Favors, Assistant to the City Manager Brandi Jimenez, City Attorney Paul Webb, Public Works Director Wade Wendt, Community Services Coordinator Gwyn Teves, Police Chief Terry David Lynch and EMS Director John Kowalik.

Visitors present were: Wharton Economic Development Director David Schroeder, Pastor Janice Blair, Blanche Allen, I.O. Coleman, Jr., Wharton High School Varsity Coach Tim Finn, Reginald Davis, Johnathan Cherry, Kevin Lewis, Christian Sparks, Kavion Thomas, Donovan Krushall, Brant Boyette, Jacorey Harris, Jacob Kowalik, James Idlebird, Justin Jones, Omar Marks, Zyion Clay, Jarod Newsome, Kobe Craft, Anthony Tolden, Chad Butler, Trey Woods, Spencer Anthony, W. King Satterwhite, Natasha Blair, Aldwyn Lathon, Matthew Breazeale, 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. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Russell Machann. 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. Mayor Tim Barker wished the Boling High School Varsity Football team success in their 2016 UIL Football State Championship game against Gunter High School on Thursday, December 15, 2016. Mayor

Barker congratulated Police Chief Terry David Lynch and City Secretary Paula Favors on their graduation of the Certified Public Manager Program through the University of Houston. Councilmember Vincent Huerta thanked fellow City Councilmembers and City of Wharton employees on a great year and gave credit to new Mayor Tim Barker and City Manager Andres Garza, Jr. Councilmember Huerta stated that it was his hope to continue to work together in 2017.

The fifth item on the agenda was a proclamation recognizing the Wharton High School 2016 Tiger Football Team. Mayor Tim Barker read the proclamation as follows:

**CITY OF WHARTON  
OFFICE OF THE MAYOR  
Proclamation**

**WHEREAS**, we realize that participation in organized athletics helps to build character and teaches a wholesome sense of fair play and good sportsmanship among our youth; and,

**WHEREAS**, to really excel in football, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm, and hard work; and,

**WHEREAS**, an example of this is the accomplishment of the Wharton High School Tiger Football Teams to achieve participation in the 2016 Playoffs; and,

**WHEREAS**, the City of Wharton is especially proud of its players and coaches who made this achievement possible; and,

**WHEREAS**, the 2016 Wharton High School Football Tiger Team includes:

- |                              |                                |
|------------------------------|--------------------------------|
| <b>1 BENJAMIN BAYLOR JR.</b> | <b>32 HOMERO HERNANDEZ</b>     |
| <b>2 MARKESE HOLMES</b>      | <b>33 KAVION KNIGHT</b>        |
| <b>3 MICHAEL RESENDEZ</b>    | <b>34 CLARENCE BRANCH</b>      |
| <b>4 ROBERT MCGREW</b>       | <b>35 DONOVAN KRUSHALL</b>     |
| <b>5 CZARIUS BALFOUR</b>     | <b>51 CODY BENAVIDEZ</b>       |
| <b>6 CAMERON BRANCH</b>      | <b>54 TIMOTHY PATTERSON</b>    |
| <b>7 JIMMIE WOODS III</b>    | <b>56 OMAR MARKS</b>           |
| <b>8 JACOREY HARRIS</b>      | <b>60 TRE'LYN ROBINSON</b>     |
| <b>9 RODERICK TEMPLE</b>     | <b>61 ROLDAN CORTES</b>        |
| <b>10 JUSTIN JONES</b>       | <b>62 BRANT BOYETTE</b>        |
| <b>12 URIAH SEDILLO</b>      | <b>63 NICHOLAS STRANSKY</b>    |
| <b>15 TRAVIS FAIX</b>        | <b>64 CHRISTOPHER MARTINEZ</b> |
| <b>18 JAMES IDLEBIRD</b>     | <b>65 ZYION CLAY</b>           |
| <b>21 CAMERON SCARLETT</b>   | <b>66 CHASE TORRES</b>         |
| <b>22 CORY OWENS</b>         | <b>72 SERGIO OLMEDO</b>        |

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<b>24 JEREMIAH CALHOUN-JACKSON</b>	<b>73 JAYLON HAYNES</b>
<b>26 KOBE CRAFT</b>	<b>77 CJ PHYNON</b>
<b>30 CHRISTIAN WYNN</b>	<b>78 KEVIN ROBLES</b>
<b>31 FRANCISCO RODRIGUEZ</b>	<b>79 LAWERENCE BERGLUND III</b>
<b>81 ROYAL MATTHEWS</b>	
<b>82 ANTHONY TOLDEN</b>	
<b>85 KAEL SVOBODA</b>	
<b>86 AARON WILLIAMS</b>	
<b>88 JACOB KOWALIK</b>	
<b>89 DA'BRAELYN FINEX</b>	
<b>99 CHRISTIAN SPARKS</b>	
<b>JJ NEWSOME</b>	

**HEAD COACH: TIM FINN**

**ASSISTANT COACHES: JONATHAN CHERRY, REGGIE DAVIS, SPENCER ANTHONY, PHILIP FREEMAN, CHAD BUTLER, KEVIN BARANOWSKI, RICKY WITT, KEVIN LEWIS**

**JUNIOR HIGH STAFF: CURTIS WILLIAMS, TERRY FREESE**

**ATHLETIC TRAINER: NICOLE CURTIS**

**STUDENT ATHLETIC TRAINERS: SHA'VON BAINES, PACIENCE WALKER, SANA E WADDY, JASMINE JONES, NAKEIRA PETE, AMANDA RICO, KESLY CRAFT, ROBERTA FARRIS, KYRA HUDGINS, LA'TAVIA LEE**

**NOW, THEREFORE,** I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim:

*Monday, December 12, 2016*

*as*

*Wharton High School Tiger Football Team Day*

in Wharton, Texas, and encourage all our citizens to honor these young persons for a job well done in representing our community.

**IN WITNESS THEREOF,** I have set my hand and caused the seal of the City of Wharton to be affixed this 12th day of December, in the year of our Lord Two Thousand Sixteen A.D.

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Tim Barker  
City of Wharton

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The sixth item on the agenda was a proclamation recognizing T.L. Pink National Alumni & Ex-Students Association 30th Anniversary Celebration. Mayor Tim Barker read the proclamation as follows:

**CITY OF WHARTON  
OFFICE OF THE MAYOR**

**Proclamation**

**WHEREAS,** The 30<sup>th</sup> Anniversary Celebration of the T.L. Pink National Alumni & Ex-Students Association will be celebrated on Saturday, December 17, 2016, and;

**WHEREAS,** In 1986 a group of ex-students of the former T.L. Pink High School of Glen Flora met at the home of James L. Pink in Richmond, Texas to start a T.L. Pink Scholarship Fund and make the guidelines, and;

**WHEREAS,** The City of Wharton congratulates the alumni, supporters, parents and students for a job well done.

**NOW, THEREFORE BE IT RESOLVED,** I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim

*Saturday, December 17, 2016 as  
“T.L. Pink National Alumni & Ex-Students Day”*

and encourage the citizens of Wharton to support the T.L. Pink National Alumni & Ex-Students Day and promote the higher education of students through the T.L. Pink Alumni Scholarship Program.

**IN WITNESS THEREOF,** I have set my hand and caused the seal of the City of Wharton to be affixed this 12th day of December in the year of our Lord two thousand sixteen A.D.

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Tim Barker  
Mayor

The seventh item on the agenda was to review and consider the reading of the minutes from the regular meetings held November 14, 2016 and November 28, 2016. After some discussion, Councilmember Al Bryant moved to approve the minutes from the regular meetings held November 14, 2016 and November 28, 2016. Councilmember Steve Schneider seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a resolution by the City of Wharton suspending the effective date for ninety days in connection with the statement of intent filed by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas on or about November 16, 2016; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; authorizing the retention of special counsel; requiring the reimbursement of municipal rate case expenses; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Manager Andres Garza, Jr. stated that on or about November 16, 2016, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) submitted a Statement of Intent to increase its non-gas base revenue on an overall basis by approximately \$31.0 million in the Company’s Texas Coast Division and its Houston Division. City Manager Garza said that it represents an increase in non-gas base revenue of approximately 10.7% and CenterPoint intended to consolidate its Houston Division and Texas Coast Division into the Texas Gulf Division and implement the revised gas tariffs on a division-wide basis for customers in the Texas Gulf Division effective December 21, 2016. City Attorney Paul Webb stated that the proposed increase would affect all residential, small commercial, and large volume customers, within the incorporated cities and unincorporated areas of the newly created Texas Gulf Division. Attorney Webb said it was his recommendation that the City Council consider adopting a resolution suspending the effective date for ninety days. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2016-84, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-84**

**RESOLUTION BY THE CITY OF WHARTON SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE STATEMENT OF INTENT FILED BY CENTERPOINT ENERGY RESOURCES CORP., D/B/A CENTERPOINT ENERGY ENTEX AND CENTERPOINT ENERGY TEXAS GAS ON OR ABOUT NOVEMBER 16, 2016; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about November 16, 2016 to increase rates in the Company’s Houston and Texas Coast Divisions; and

**WHEREAS**, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 et seq. of GURA has exclusive original jurisdiction over CenterPoint’s rates, operations and services within the municipality; and

**WHEREAS**, CenterPoint intends to consolidate its current Houston and Texas Coast Divisions into a single Texas Gulf Division and implement the revised gas tariffs on a division-wide basis for customers in the Texas Gulf Division effective December 21, 2016; and

**WHEREAS**, CenterPoint plans to increase non-gas base revenue by approximately \$31.0 million, representing an increase in non-gas base revenue of approximately 10.7%; and

**WHEREAS**, the City of Wharton is located in the currently existing Texas Coast Division; and

**WHEREAS**, on a customer-class basis, for Texas Coast Division customers, the impact is as follows:

	Average Current Monthly Bill, including Gas Cost	Average Proposed Monthly Bill, including Gas Cost	Proposed Monthly Change	Percentage Change with Gas Cost / without Gas Cost
Residential	\$36.22	\$37.32	\$1.10	3.0% / 5.0%
General Service-Small	\$102.41	\$102.90	\$0.49	0.5% / -0.9%
General Service – Large Volume	\$1,316.42	\$1,317.74	\$1.32	0.1% / -6.5%

**WHEREAS**, CenterPoint proposes to increase its customer charges for Texas Coast Division customers for “General Service – Residential” from \$16.17 to \$16.75; increase the customer charge for “General Service – Small” from \$17.20 to \$18.25; and increase the customer charge for “General Service – Large Volume” from \$56.45 to \$70.00; and

**WHEREAS**, the Company seeks a Return on Equity (ROE) of 10.25%; a capital structure weighted toward equity – 55.15% Equity; 44.85% Debt; and

**WHEREAS**, CenterPoint’s rate request consists of a voluminous amount of information including CenterPoint’s rate-filing package, exhibits, schedules, and workpapers; and

**WHEREAS**, in order to maximize the efficient use of resources and expertise in reviewing, analyzing and investigating CenterPoint’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

**WHEREAS**, the City, in matters regarding applications by CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition (“TCUC”) and hereby continues its participation in TCUC; and

**WHEREAS**, CenterPoint proposed December 21, 2016 as the effective date for its requested increase in rates; and

**WHEREAS**, it is not possible for the City to complete its review of CenterPoint's filing by December 21, 2016; and

**WHEREAS**, the City will need an adequate amount of time to review and evaluate CenterPoint's rate application to enable the City to make a final decision as a local regulatory authority with regard to CenterPoint's requested rate increase; and

**WHEREAS**, the City will require the assistance of specialized legal counsel and rate experts to review the merits of CenterPoint's application to increase rates; and

**WHEREAS**, CenterPoint simultaneously filed its statement of intent to increase rates with the Railroad Commission of Texas, therefore the decision of the Railroad Commission of Texas could have an impact on the rates paid by the City and its citizens who are customers of CenterPoint, and in order for the City's participation to be meaningful, it is important that the City promptly intervene in such proceeding at the Railroad Commission of Texas.

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

**Section 1.** The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

**Section 2.** CenterPoint's proposed effective date for its proposed increase in rates is hereby **SUSPENDED** for ninety days beyond its proposed effective date.

**Section 3.** The statutory suspension period will be extended automatically day for day should CenterPoint extend its proposed effective date, and may be further extended if CenterPoint does not provide timely, meaningful, and proper public notice of its request to increase rates, or if its rate-filing package is materially deficient.

**Section 4.** The City authorizes intervention in proceedings related to CenterPoint's Statement of Intent before the Railroad Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as Texas Coast Utilities Coalition ("TCUC").

**Section 5.** The City hereby orders CenterPoint to reimburse the City's rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

**Section 6.** Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera & Boyle, PLLC to act as Special Counsel with regard to rate proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of CenterPoint's rate application subject to approval by the City.

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**Section 7.** The City, or its designee member city in the Texas Coast Utilities Coalition of cities, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

**Section 8.** A copy of this resolution shall be sent to CenterPoint Energy, care of Mr. Thomas Stevens, Director of Regulatory Affairs, CenterPoint Energy P.O. Box 2628, Houston, Texas 77252-2628; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

**Section 9.** The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 10.** This resolution shall become effective from and after its passage.

**PASSED AND APPROVED** this 12<sup>th</sup> day of December, 2016.

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember Don Mueller 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 awarding a contract for Proposals for Grant Advisory and Professional Master Planning Services TxCDBG Contract No. 7216124 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that the City of Wharton received a grant from the Texas Department of Agriculture from its planning and capacity building program from the development of a Comprehensive Plan. City Manager Garza said the City Council appointed a Consultant Selection Committee to review the proposals received and recommend a consultant firm in which the City received three (3) proposals from Grantworks, Jones & Carter and Halff Associates on December 5, 2016. City Manager Garza stated that the Committee met on Monday, December 12, 2016 and were recommending the City Council consider awarding a contract for the grant advisory and professional master planning services to Grantworks. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-85, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016 -85**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT  
FOR PROPOSALS FROM GRANT ADVISORY AND PROFESSIONAL MASTER**

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**PLANNING SERVICES TXCDBG CONTRACT NO 7216124 AND AUTHORIZING AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The City of Wharton received proposals for grant advisory and professional master planning services TxCDBG Contract No. 7216124; and,

**WHEREAS,** The City of Wharton Consultant Selection Committee ranked the proposals for and negotiated a contract with Grantworks; and,

**WHEREAS,** The Wharton City Council wishes to approve an agreement between the City of Wharton and Grantworks for the services outlined in the agreement; and,

**WHEREAS,** The City of Wharton and Grantworks 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 an agreement between the City of Wharton and Grantworks for grant advisory and professional master planning services TxCDBG Contract No. 7216124.

**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 12th day of December 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 tenth item on the agenda was to review and consider Old Lane City Road Improvement Project:

A. Bid Tabulation.

B. **Resolution:** A resolution of the Wharton City Council approving a contract for the Old Lane City Road Improvement Project, allocating funding for said project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that the City of Wharton 2016 Street Improvement Program listed the overlay of Old Lane City Road as a project on November 30, 2016 and the City received the following bids for the improvement project.

1. Cornerstone Paving and Construction, LLC
2. Forde Construction Company, Inc
3. James Construction Group, LLC
4. Rexco Construction Service, Inc

Mr. Matthew Breazeale, P.E., with Jones and Carter, Inc. stated that it was their recommendation for the City Council to consider awarding the contract to the lowest and most qualified bidder, Cornerstone Paving. City Manager Garza said that the City Staff was recommending funding for the project be allocated from the 2011 Bond Fund for street improvements. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2016-86, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016-86**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR THE OLD LANE CITY ROAD IMPROVEMENT PROJECT, ALLOCATING FUNDING FOR SAID PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** Bids were received for the City of Wharton Old Lane City Road Improvement Project; and,

**WHEREAS,** The following contractor, Cornerstone Paving and Construction, LLC was deemed the best lowest qualified bidder in the amount of \$147,920.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to Cornerstone Paving and Construction, LLC for the City of Wharton Old Lane City Road Improvement Project; and,

**WHEREAS,** The City of Wharton and Cornerstone Paving and Construction, LLC wish to be bound by the conditions as set forth in the agreement; and,

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**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreements on behalf of the City; and,

**WHEREAS,** The Wharton City Council wishes to allocate funding for said project from the 2011 Bond Fund- Street Improvement Budget.

**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 contracts for the City of Wharton Old Lane City Road Improvement Project to Cornerstone Paving and Construction, LLC.

**Section II.** The City of Wharton and Cornerstone Paving and Construction, LLC are hereby bound by the conditions as set forth in the agreement.

**Section III.** The Wharton City Council hereby allocate funding for said project from the 2011 Bond Fund.

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

**Passed, Approved, and Adopted** this 12th day of December 2016.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

City Secretary

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. 5 to M & C Fonseca Construction Co., Inc.

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City Manager Andres Garza, Jr. presented pay request No. 5 in the amount of \$104,505.90 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Al Bryant moved to approve pay request No. 5 in the amount of \$104,505.90 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Terry Freese 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 approving the submittal of an Application for a flood protection system to the Texas Division of Emergency Management (TDEM) for Hazard Mitigation Grant Program and authorizing the Mayor of the City of Wharton to execute all documents relating to said grants. City Manager Andres Garza, Jr. stated that the City of Wharton submitted a grant application to the Texas Department of Emergency Management (TDEM) on October 31, 2016 under their Hazard Mitigation Grant Program (HMGP) for elevation of houses that had been affected by the April/May 2016 flood events. City Manager Garza said that the City hired CBI to assist the City in the application process and Ms. Laura Clemons of CBI along with City Staff had been in contact with TDEM representatives providing them information they were requesting. Ms. Clemons informed the City Council of discussions with TDEM and their requests. City Manager Garza said that the City Council Finance Committee met on Monday, December 12, 2016 to discuss the proposed application and were recommending the City Council consider approving the submittal of an application for a flood protection integrated system to the Texas Division of Emergency Management (TDEM) under the Hazard Mitigation Grant Program and authorizing the Mayor of the City of Wharton to execute all documents relating to said grants. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-87, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016 -87**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMITTAL OF AN APPLICATION FOR A FLOOD PROTECTION SYSTEM TO THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) FOR HAZARD MITIGATION GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID GRANTS.**

**WHEREAS,** The City of Wharton City Council wishes to submit applications to the Texas Division of Emergency Management (TDEM) for the Hazard Mitigation Grant Program under the direction of the CBI ; and,

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

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

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**SECTION I.** The Wharton City Council hereby approves the submittal of the applications to the Texas Division of Emergency Management (TDEM) for the Hazard Mitigation Grant Program.

**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 12<sup>th</sup> day of December 2016.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council amending section 4.8 longevity pay in the City of Wharton Personnel Policy. City Manager Andres Garza, Jr. presented a memorandum dated December 6, 2016 to him from City Secretary Paula Favors requesting that the City Council consider amending section 4.8 of the City of Wharton Personnel Policy. Mrs. Favors stated that by allowing a 1 time yearly payment of longevity pay in the month of December it would allow employees to be able to receive a lump sum which could help benefit them with holiday or year-end expenses. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2016-88 which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2016 – 88**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING SECTION 4.8  
LONGEVITY PAY IN THE CITY OF WHARTON PERSONNEL POLICY.**

**WHEREAS,** the Wharton City Council established the City of Wharton Personnel Policy effective December 1, 2012; and,

**WHEREAS,** the Wharton City Council wishes to amend the City of Wharton Personnel Policy; and,

**WHEREAS**, the Wharton City Council wishes to authorize the change of section 4.8 Longevity Pay of the Personnel Policy to allow a 1 time yearly payment of longevity pay rather than a monthly payment which would be made in December of each year.

**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 amendment to the City of Wharton Personnel Policy.

**Section II.** That the Wharton City Council hereby authorizes the City Manager to enforce the policies and procedures as set forth in the policy.

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

**Passed, Approved, and Adopted** this the 12<sup>th</sup> day of December 2016.

**CITY OF WHARTON**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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

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

The fourteenth item on the agenda was to review and consider the cancellation of the December 26, 2016 Regular Wharton City Council meeting. City Manager Andres Garza, Jr. stated that due to the Holiday Season, he was requesting the Mayor and City Council consider canceling the December 26, 2016 regular City Council Meeting. City Manager Garza said that if it became necessary, a special meeting would be scheduled. After some discussion, Councilmember Al Bryant moved to cancel the December 26, 2016 Regular Wharton City Council meeting. Councilmember Terry Freese seconded the motion. All voted in favor.

The fifteenth 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

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Manager Travel Reimbursement. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider **Executive Session:** City Council may adjourn into an Executive Session in accordance with Section 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:** To deliberate economic development negotiations with a business regarding the local hospital.

Mayor Barker moved the meeting into closed session at 7:36 p.m.

The seventeenth item on the agenda was to review and consider **Return to Open Meeting:** Action on items discussed in Executive Session:

**Review & Consider:**

A. Economic development negotiations with a business regarding the local hospital.

Mayor Tim Barker returned to open session at 8:00 p.m. Mayor Barker stated that only information was received.

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

City Manager Andres Garza, Jr. presented a list of persons serving on the various City Boards, Commissions and Committees and stated that there were still vacancies that need to be filled. City Manager Garza presented a letter from Mr. Robert Nelson requesting to serve on the Beautification Committee.

1. Appointments:

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

After some discussion, Councilmember Vincent Huerta moved to appoint the following:

A. Beautification Commission.	<u>Term Expiring</u>
Robert Nelson	June 30, 2017

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

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

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- A. Mayor's Committee on People with Disabilities meeting held November 16, 2016.
- B. Finance Committee meeting held November 28, 2016.
- C. Consultant Selection Committee meeting held December 6, 2016.

After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider a request from Mr. King Satterwhite regarding a variance to construct and open a restaurant with a mix beverage license within 300 feet of a church. City Manager Andres Garza, Jr. presented a request from Mr. King Satterwhite regarding a variance to construct and open a restaurant with a mix beverage license within 300 feet of a church. Mr. Satterwhite addressed the City Council and discussed his desire to move the front door of his proposed restaurant to attempt to be closer to the 300 feet requirement. After some discussion, Councilmember Don Mueller stated that the item be deferred until further investigation could be completed and discussions could take place with Victory in Jesus which fell within the 300 feet requirement of the mix beverage license requirement of the City of Wharton. No action was taken.

The twenty-first item on the agenda was to review and consider a request from Pastor Janice Blair to rejoice this season, even in the face of difficulties we can say Emmanuel. Motto: Is "PUSH" Pray Until Something Happens. Praying and Action always being results. City Manager Andres Garza, Jr. presented a request from Pastor Janice Blair to address the Council in regards to rejoicing this season even in the face of difficulties we can say Emmanuel. Motto: Is "PUSH" Pray Until Something Happens. Praying and Action always being results. Pastor Blair stated that she had attended the United States Department of Agriculture (USDA) meeting held at the Wharton Civic Center on November 30<sup>th</sup>, 2016 and requested the City Council consider funding the residents of the West Side of Wharton's portion of the F.E.M.A. grant which was required before funds would be granted. City Attorney Paul Webb instructed Pastor Blair to only discuss the issue that she had placed on the agenda in order to not break the Open Meetings Act. Mr. Webb informed Pastor Blair that he would provide her with information on the flooding and best actions to take to help with the process of flood reduction. No action was taken.

The twenty-second item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 8:20 p.m.

**CITY OF WHARTON, TEXAS**

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

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**ATTEST:**

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**Paula Favors**  
**City Secretary**

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