

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
FEBRUARY 27, 2017**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:07 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Vincent Huerta led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Vincent Huerta, Russell Machann, Don Mueller and Steven Schneider.

Councilmember absent was: None

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyneth Teves, Police Chief Terry David Lynch, Public Works Director Wade Wendt, Assistant to the Building Official Claudia Velasquez and City Attorney Paul Webb.

Visitors present were: Wharton Economic Development Director Chad Odom, III, Pastor Janice Blair, Mary A. Barnes, I.O. Coleman, Blanche Allen, Thelma Hayes, Winnie Huerta, Cindy Kloesl, Johnnie Gonzales, Robert Glaze, Mike Harbaugh, Melvin Moore with Waste Corporation of America, Inc., Jamel Weems with Waste Corporation of America, Inc., Charlotte A. Bess, Cathy V. Garcia and Evelyn Carriere with the Wharton Journal Spectator.

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

The third item on the agenda was Public Comments. Mr. I.O. Coleman, Jr. stated to the City Council that there had been an influx of stray cats in his neighborhood and two railroad crossings in the City of Wharton were in need of repair to avoid damage to vehicles. Dr. Janice Blair stated that February was Black History Month and wanted to make the City Council aware of what African Americans had done for America. Dr. Blair gave several examples of African American inventors that influenced American History.

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The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese stated that the Wharton Varsity Girls Basketball team won the Regional's title and would be moving on to State tournament. The Boys Varsity Basketball team would play to see if they would advance to Regionals. Councilmember Vincent Huerta stated that a Valentine's Dance that was held at the Wharton Civic Center. He said the event was for handicapped children and adults, with a live band and food, in which it was a great event. Councilmember Huerta stated that his concern was that the local newspaper was not there to document the event. Councilmember Don Mueller stated that ARC of Wharton would be hosting a prom for the handicapped tentatively set for May at the Wharton Civic Center.

The fifth item on the agenda was to review and consider City of Wharton Financial Report for the month of January 2017. Finance Director Joan Anandel presented the financial report for the month of January 2017. Mrs. Anandel stated that the TexPool balance for January was \$862,215.02 with an average monthly yield of .54%. She said the Prosperity Bank balance for January 2017 was \$6,039,184.56 with an average monthly yield of .15%. After some discussion, Councilmember Don Mueller moved to approve the City of Wharton Financial Report for the month of January 2017. Councilmember Al Bryant seconded the motion. All voted in favor.

The sixth item on the agenda review and consider a request from the Mayor's Committee on People with Disabilities to address the Council regarding the 2017 Valentines Dance. City Manager Andres Garza, Jr. presented a copy of the request from the Mayor's Committee on People with Disabilities regarding the 2017 Valentines Dance. Mrs. Winnie Huerta stated that the Mayor's Committee wanted to thank the City Council, Civic Center Manager Jessica Dunn and everyone who helped with the event. Commander Johnny Gonzales stated that the event was started approximately five years ago and he wanted to thank the City Council for allowing the event to be held at the Wharton Civic Center. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider a request by Mr. David Copeland, Co-Chairman of the Wharton County Freedom Fest, Inc. (WCFF) Committee for the City Council to consider approving the following:

- A. Authorization to hold the Annual Wharton County Freedom Fest event on May 20, 2017.
- B. Use of downtown square and Guffey Park and waiver of park rental fee(s).
- C. Assembly and disassembly of the City of Wharton Performance Stage at the corner of Houston Street and Burlison.
- D. Assistance obtaining two (2) solid waste dumpsters to be placed at Guffey Park on Friday, May 19th. A minimum of 100 wide-mouthed bags for the City's trash barrels along with additional pick up of the existing dumpsters around the square prior to the festival from Waste Corporation of America.

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- E. Waiver of the fees for the City of Wharton Temporary Permit for Possession and consumption of alcoholic beverages in City Parks.
- F. Variance to the City of Wharton Code of Ordinances Chapter 54 Parks and Recreation Section 54-2 Park Property, Section 54-3 Hours of Operation, and Section 54-8 Operating or parking motor vehicles in parks. For cook-off participants to RV and tent camp in Guffey Park Friday night. Set up will begin at 9 a.m. on Friday the 19th.
- G. Authorization to close the following streets:
 - 1. Portions of Fulton and Houston Streets adjacent to downtown on Friday, May 19th through 11:59 p.m. on Saturday, May 20th.
 - 2. Houston Street from Milam to Caney on Friday, May 19th through 11:59 p.m. on Saturday, May 20th. Use of the City of Wharton's plastic and metal barricades and caution tape to block off the parking areas along Burleson and Milam Streets.
- H. Assistance from personnel from the Public Works and Facilities Maintenance Departments.

City Manager Andres Garza, Jr. stated that the request was the same as in previous years. After some discussion, Councilmember Al Bryant moved to approve the afore mentioned items. Councilmember Steve Schneider seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Cakra Inc. to access the two electrical utility meters closest to the bridge on each side of the river and to use the house in the park to turn into a project office for the TxDOT Engineer. City Manager Andres Garza, Jr. presented a request from Cakra Inc for the access to the two electrical utility meters closest to the bridge on each side of the river. City Manager Garza stated Cakra would like to use both meters and pay the entire bill each month or just switch the meters into the company name and then transfer it back into the City's name at the end of the project. He said Cakra was also requesting the use of the old house in the park and turn it into a project office for the TxDOT Engineer and would put the electricity in their name and activate the water and sewer if possible. City Manager Garza said the City Staff decided to close the Park for the safety of the public and it was his recommendation the company use the building with them providing some in-kind services. City Manager Garza presented a list of items they would pay for in return. He said the City Council Finance Committee met on Monday, February 27, 2017 and were recommending City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request by Cakra Inc. to access the two electrical utility meters closest to the bridge on each side of the river and to use the house in the park to turn into a project office for the TxDOT Engineer with them providing some in-kind services. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the Wharton Police Department Annual Contact Report for 2016. City Manager Andres Garza, Jr. presented a copy of the memorandum dated February 15, 2017, to him from Police Chief Terry D. Lynch

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submitting the City of Wharton 2016 Racial Profiling Report in accordance with Senate Bill 1074. Chief Lynch stated that no complaints were received regarding racial profiling. He stated that the traffic contacts that resulted in a citation or an arrest by race or ethnicity were:

Caucasian/White	619	26.0%
Hispanic	769	32.3%
Black	958	40.3%
Asian	11	0.5%
Middle Eastern-Descent	22	0.9%
Native American	0	0.0%

After some discussion, Councilmember Russell Machann moved to approve the Wharton Police Department Annual Contact Report for 2016. Councilmember Steve Schneider seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider an ordinance declaring the unopposed candidate for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 as elected to office; Providing that the General Election held on May 6, 2017 for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 shall be canceled; Providing that this ordinance shall be cumulative of all ordinances; Providing for severability; repealing all ordinances or parts of ordinances inconsistent or in conflict herewith and providing an effective date.

Ordenanza: Una ordenanza declarando el candidato sin oposición para Concejal para el Distrito No. 1, Concejal para el Distrito No. 3, y el Concejal de forma irrestricta para la Posición No. 5 según elegido a su puesto; disponiendo que se cancele la Elección General programada para el 6 de mayo 2017 para Concejal para el Distrito No. 1, Concejal para el Distrito No. 3, y el Concejal de forma irrestricta para la Posición No. 5; disponiendo que esta ordenanza sea cumulativa para todas las ordenanzas; disponiendo la divisibilidad; revocando todas las ordenanzas o parte de ellas que sean inconsistentes o en conflicto con la presente y disponiendo una fecha vigente.

City Manager Andres Garza, Jr. stated that the deadline to file for positions on the City of Wharton Election Ballot was Friday, February 17, 2017 at 5:00 p.m. and at that time, Councilmember District No. 1 Al Bryant, Councilmember District No. 3 Terry Freese, and Councilmember At Large Place No. 5 Russell Machann had filed to run for their respective positions. City Manager Garza said that the positions were not contested and there were no write in candidates therefore, the Wharton City Council could cancel the City of Wharton General Election that was to be held on May 6, 2017. City Manager Garza presented draft copies of the ordinance declaring the unopposed candidate for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 as elected to

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office; Providing that the General Election held on May 6, 2017 for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 in the English and Spanish version shall be cancelled. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2017-06, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2017-06**

AN ORDINANCE DECLARING THE UNOPPOSED CANDIDATE FOR COUNCILMEMBER DISTRICT NO. 1, COUNCILMEMBER DISTRICT NO. 3, AND COUNCILMEMBER AT LARGE PLACE NO. 5 AS ELECTED TO OFFICE; PROVIDING THAT THE GENERAL ELECTION HELD ON MAY 6, 2017 FOR COUNCILMEMBER DISTRICT NO. 1, COUNCILMEMBER DISTRICT NO. 3, AND COUNCILMEMBER AT LARGE PLACE NO. 5 SHALL BE CANCELLED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton, Texas is a home rule municipality located in Wharton County, created in accordance with the provisions of Title 1 Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and,

WHEREAS, Pursuant to the City of Wharton, Ordinance No. 2017-01, passed and approved January 23, 2017, a general election was ordered to be held on May 6, 2017 for the purpose of electing Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 to serve on the City of Wharton City Council; and,

WHEREAS, Pursuant to Section 2.052, Texas Election Code, the deadline for filing for a place on the City's General Election was expired on February 17, 2017, at 5:00 P.M.; and,

WHEREAS, The City Secretary, in accordance with Section 2.052 Texas Election Code, has certified to the City Council in writing that Alfred Bryant is unopposed for election to the office of Councilmember District No. 1, Terry Freese is unopposed for election to the office of Councilmember District No. 3; and Russell Machann is unopposed for election to the office of Councilmember At Large Place No. 5; and,

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WHEREAS, The City Council hereby finds and determines that the candidate for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 whose name is to appear on the ballot in said election is unopposed, and there are no declared write-ins.

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

SECTION 1.

In accordance with Section 2.053(a) Texas Election Code, the following candidate, who is unopposed in the May 6, 2017, general election, is hereby declared duly elected to the respective offices.

Councilmember –District No. 1 – Alfred Bryant
Councilmember – District No. 3 – Terry Freese
Councilmember at Large - Place No. 5 – Russell Machann

SECTION 2.

Pursuant to Section 2.053 (b) Texas Election Code, the General Election for Councilmember District No. 1, Councilmember District No. 3, and Councilmember At Large Place No. 5 heretofore called and ordered by the City of Wharton by Ordinance No. 2017-01 for the 6th day of May 2017, shall not be held and is hereby canceled.

SECTION 3.

The City Secretary is hereby directed to post a copy of this Ordinance at the designated polling place on Election Day, same being May 6, 2017.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances of the City of Wharton, Texas, except where the provisions or this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5.

It is hereby declared to the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

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SECTION 6.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on this **27th day of February 2017.**

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS:

Paul Webb
City Attorney

CIUDAD DE WHARTON, TEXAS
ORDENANZA N° 2017-06

UNA ORDENANZA DECLARANDO EL CANDIDATO SIN OPOSICIÓN PARA CONCEJAL PARA EL DISTRITO NO 1, CONCEJAL PARA EL DISTRITO NO. 3 Y EL CONCEJAL DE FORMA IRRESTRICTA PARA LA POSICIÓN NO 5 SEGÚN ELEGIDOS A SU PUESTO; DISPONIENDO QUE SE CANCELE LA ELECCIÓN GENERAL PROGRAMADA PARA EL 6 DE MAYO 2017 PARA CONCEJAL PARA EL DISTRITO NO. 1, CONCEJAL PARA EL DISTRITO NO. 3 Y CONCEJAL DE FORMA IRRESTRICTA PARA LA POSICIÓN NO. 5; DISPONIENDO QUE ESTA ORDENANZA SEA CUMULATIVA PARA TODAS LAS ORDENANZAS; DISPONIENDO LA DIVISIBILIDAD; REVOCANDO TODAS LAS ORDENANZAS O PARTE DE ELLAS QUE SEAN INCONSISTENTES O EN CONFLICTO CON LA PRESENTE Y DISPONIENDO UNA FECHA VIGENTE.

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POR CUANTO, la Ciudad de Wharton, Texas es una municipalidad de gobierno autónomo ubicada en el condado de Wharton, creada de acuerdo con las disposiciones del Título 1, Capítulo 9 del Código de Gobierno Local y opera de acuerdo con la legislación habilitante del estado de Texas; y

POR CUANTO, de acuerdo con la Ordenanza No. 2017-01 de la Ciudad de Wharton, pasada y aprobada el 23 de enero de 2017, se ordenó una elección a realizarse el 6 de mayo de 2017, con el propósito de elegir Concejal del Distrito No. 1, Concejal del Distrito No. 3, y Concejal de forma irrestricta para la Posición No.5 para desempeñarse en el Consejo Municipal de la Ciudad de Wharton; y

POR CUANTO, de acuerdo con la Sección 2.052 del Código de Elecciones de Texas, el plazo límite para solicitar un puesto en la elección general de la Ciudad venció el 17 de febrero de 2017, a las 5:00 de la tarde; y

POR CUANTO, la Secretaria Municipal, de acuerdo con la Sección 2.052 del Código de Elecciones de Texas, ha certificado por escrito al Consejo Municipal que Alfred Bryant es el candidato único para el puesto de Concejal del Distrito No. 1, Terry Freese es el candidato único para el puesto de Concejal del Distrito No. 3, y Russell Machann es el candidato único para la elección al puesto de Concejal para la Posición No. 5 de forma irrestricta.

POR CUANTO, el Consejo Municipal por el presente encuentra y determina que el candidato para Concejal del Distrito No. 1, Concejal del Distrito No. 3 y Concejal para la Posición No. 5 de forma irrestricta cuyo nombre ha de aparecer en la balota de dicha elección es candidato único, y no hay ningún candidato declarado para anotarse.

AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE WHARTON, TEXAS, ORDENA QUE:

SECCION 1.

De acuerdo con la Sección 2.053 (a) del Código de Elecciones de Texas, el siguiente candidato único en la elección general del 6 de mayo de 2017, por la presente queda declarado debidamente elegido a los respectivos puestos

Concejal - Distrito No. 1 - Alfred Bryant
Concejal - Distrito No. 3 - Terry Freese
Concejal de forma irrestricta - Posición No. 5 - Russell Machann

SECCION 2.

De acuerdo con la Sección 2.053 (b) del Código de Elecciones de Texas, la Elección General para Concejal del Distrito No. 1, Concejal del Distrito No. 3, y Concejal de forma irrestricta de la Posición No. 5 antes convocada y ordenada por el Consejo Municipal de la Ciudad de Wharton por medio de la Ordenanza No. 2017-01 para el 6 de mayo de 2017, no se celebrará y queda cancelada por medio del presente.

SECCION 3.

Por medio del presente se ordena que la Secretaria Municipal anuncie una copia de esta ordenanza en el lugar de votación designado el día de la elección, que es el 6 de mayo de 2017.

SECCION 4.

Esta ordenanza será cumulativa de todas las disposiciones de las ordenanzas de la Ciudad de Wharton, Texas, excepto donde las disposiciones de esta ordenanza estén en conflicto directo con las disposiciones de tales ordenanzas, en cuyo caso las disposiciones en conflicto de esas ordenanzas quedan revocadas por medio del presente.

SECCION 5.

Por medio del presente se declara que la intención del Consejo Municipal es que las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza sean divisibles, y que si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza es declarada inconstitucional mediante un fallo o decreto válido de cualquier corte de jurisdicción competente, dicha inconstitucionalidad no afectará a ninguna de las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza, puesto que la misma habría sido promulgada por el consejo municipal sin incorporar en esta ordenanza dicha frase, cláusula, oración, párrafo o sección.

SECCION 6.

Esta ordenanza será vigente y aplicable desde su aprobación y a partir de entonces, y así queda ordenado.

PASADO Y APROBADO por El Consejo Municipal de la Ciudad de Wharton, Texas este día **27 de febrero de 2017.**

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CIUDAD DE WHARTON, TEXAS

Por: _____
Tim Barker
Alcalde

ATESTIGUACIÓN:

Paula Favors
Secretaria Municipal

APROBADO:

Paul Webb
Abogado Municipal

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission to the Texas Water Development Board a Project Information Form for the Drinking Water State Revolving Fund 2017 Program Year-Water Systems Project and authorizing the Mayor of the City of Wharton to execute all forms related to said submission. City Manager Andres Garza, Jr. stated that the Texas Water Development Board was accepting project information forms for the 2017 Drinking Water State Revolving Fund (DWSRF). City Manager Garza said the City Staff had identified water projects that could qualify for funding and the project would replace 2” water lines in the section of the City that were outlined on the map he presented. He said the estimated cost of the project would be approximately \$1,000,000.00 and the due date of the project information form was March 3, 2017 to be considered for loan forgiveness (grant). City Manager Garza stated that the City Council Public Works Committee met on February 2, 2017 and was recommending that the City Council move forward with the submission of the project information forms for the 2017 Drinking Water State Revolving Fund (DWSRF). After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2017-19, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-19**

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A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION TO THE TEXAS WATER DEVELOPMENT BOARD A PROJECT INFORMATION FORM FOR THE 2017 DRINKING WATER STATE REVOLVING FUND PROGRAM YEAR-WATER SYSTEM PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL FORMS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit a Public Information Form for Water System Improvements to the Texas Water Development Board Drinking Water State Revolving Fund; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission a Public Information Form to the Texas Water Development Board Drinking Water State Revolving Fund for Water System Project.

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

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

PASSED, APPROVED, and ADOPTED this 27th day of February 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Master License Agreement for Small City Cell Deployment in the City's Right-of-Ways. City Manager Andres Garza, Jr. stated that the City of Wharton had been approached by AT&T regarding the installation of small cell antennas within the City. City Manager Garza said that he had contacted City Attorney Paul Webb and Attorney Clarence West regarding the placement of the small cells on the City's Right-of-Ways. He said that Mr. West was recommending that if the City chose to allow wireless facilities in the right-of-ways that the City use a Master License Agreement to authorize its use which would allow the City to treat all providers the same. After some discussion, Councilmember Vincent Huerta moved to approve City of Wharton Resolution No. 2017-20, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-20**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MASTER LICENSE AGREEMENT FOR SMALL CITY CELL DEPLOYMENT IN THE CITY'S RIGHT-OF-WAYS.

WHEREAS, The Wharton City Council wishes to approve into a master license agreement for small city cell deployment in the City's Right-of-Ways; and,

WHEREAS, The Wharton City Council wishes to use said master license agreement for any and all providers that wish to place their types of facilities on City's Right-of-Ways.

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

Section I. That the Wharton City Council approves the Master License Agreement for the small city cell deployment in the City's Right-of-Ways.

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

Passed, Approved, and Adopted this 27th day of February 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

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ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution authorizing the sale of City of Wharton surplus personal property in accordance with the City Charter Section 75 Sale of City Personal Property through www.publicsurplus.com. City Manager Andres Garza, Jr. presented a memorandum from City Secretary Paula Favors along with a copy of the list of surplus personal property that the City Staff was requesting City Council approval to advertise for bids. City Manager Garza presented a draft resolution authorizing the surplus personal property bidding process through www.publicsurplus.com and authorizing the City Manager to sell items that were not sold through the bidding process on a first come first serve basis. Mrs. Favors stated that the City Charter Section 75 Sale of City personal property; procedures, requires that items that are valued at \$1,000 or more must be sold through the bidding process. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-21, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-21**

A RESOLUTION AUTHORIZING THE SALE OF CITY OF WHARTON SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY THROUGH WWW.PUBLICSURPLUS.COM.

WHEREAS, the City of Wharton has identified surplus personal property; and,

WHEREAS, the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property (Attachment A) directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; and,

WHEREAS, the Wharton City Council authorizes sale of surplus property through www.publicsurplus.com; and,

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WHEREAS, the Wharton City Council wishes to authorize the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

- Section I.** The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property (Attachment A) in accordance with the City Charter Section 75 Sale of City personal property; procedures.
- Section II.** The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.
- Section III.** The Wharton City Council authorizes sale of surplus property through www.publicsurplus.com; and,
- Section IV.** The Wharton City Council hereby authorizes the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.
- Section V.** This resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 27th day of February 2017.

CITY OF WHARTON, TEXAS

By:

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth item on the agenda was the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated February 23, 2017 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 loan application to the Texas Water Development Board (TWDB) for the first phase of the levee project the application is being prepared by the City Staff. Also, the City Staff will be submitting the project to Texas Water Development Board for the 2017 Program Year under the Clean Water State Revolving Fund for loan forgiveness consideration. The City has also submitted a memorandum of understanding (MOU) to the U.S. Corp of Engineers in order to move the project forward.

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 by the City Council. 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 has been 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 January.

2. Alabama Street Sewer Line Project.

The project has been environmentally cleared and the City is requesting a release of funds to move the project forward. As soon as the clearance is received the project will be advertised for bid.

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 substantially complete and the clarifier is in service. The City Staff is awaiting the final pay request from B-5 Construction.

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. TxDOT held the environmental public hearing on February 9, 2017 to comply with federal law. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

2. I-69 Project.

TxDOT held a public hearing on February 9, 2017 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. The Old Lane City Overlay Project is scheduled to begin on February 27, 2017 by Cornerstone Paving.

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 foundation of the hangars have been poured and the hangar has begun to be erected.

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After some discussion, no action was taken.

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

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

After some discussion, no action was taken.

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

- A. Beautification Commission meeting held February 8, 2017.

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. |
| G. Fire Department. | N. Weedy Lots / Sign Ordinance. |
| | O. Wharton Regional Airport. |

After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider a request from Pastor Dr. Janice S. Blair to address the Council regarding the following:

- A. Residents are returning to their homes, not just returning; many of them using their life savings to return home.
- B. We ask that preventative measures be put in place NOW, by placing sand bags in the READY position to be assessable at a moment's notice. This would give residents on the Westside comfort to know the importance is being place on the west side of the City.
- C. Many residents said they did not hear the emergency alert system warning of the tornado, what happened?
- D. My Motto: Is "PUSH" Pray Until Something Happens. Praying and Action always bring results.

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City Manager Andres Garza, Jr. stated that the City had taken action and was moving forward with the Texas Water Development Board on the approximately \$6 million dollar project to help protect the residents of the City from future flooding. City Manager Garza advised citizens to obtain flood insurance to protect their homes during times of floods until the City was able to make the structural improvements that they were working towards. Police Chief Terry David Lynch addressed the concern of the emergency alert system and stated that the warning sirens were not activated during the February 14th storm due to the Communication's Center being inundated with calls but new measures have been put into place so that the issue would not happen in the future. After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider a request by Mr. Craig Busch to use the downtown area of the City for filming. City Manager Andres Garza, Jr. presented a copy of an email from Mr. Craig Busch requesting to film in the downtown area. City Manager Garza stated that it is technically a public area so they would be able to film but he would feel better with City Council approval. After some discussion, Councilmember Al Bryant moved to approve the request by Mr. Craig Busch to use the downtown area of the City for filming in the downtown area. Councilmember Terry Freese seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider Storm Debris Clean up- February 14, 2017 Storm Event:

A. Status of WCA Collection efforts.

B. Letter Agreement relating to the storm debris that occurred on February 14, 2017 for the collection and disposal services to be performed by Waste Corporation of America (WCA).

Melvin Moore, Account Representative with Waste Corporation of America (WCA) stated that WCA was working diligently on picking up the storm debris and would continue to do so over the upcoming weeks. City Manager Andres Garza, Jr. stated that the Finance Committee met on February 27, 2017 and were recommending City Council consider approving the Letter Agreement relating to the storm debris that occurred on February 14, 2017 for the collection and disposal services to be performed by Waste Corporation of America (WCA). After some discussion, Councilmember Al Bryant moved to approve the Letter Agreement relating to the storm debris that occurred on February 14, 2017 for the collection and disposal services to be performed by Waste Corporation of America (WCA). Councilmember Vincent Huerta seconded the motion. All voted in favor.

The twenty-first 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.

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The meeting adjourned at 8:06 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary