

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JUNE 12, 2017**

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 Russell Machann 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, Don Mueller, Russell Machann, and Steven Schneider.

Councilmember absent was: None.

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

Visitors present were: Wharton Economic Development Director Chad Odom, III, I.O. Coleman, Jr., Pastor Janice Blair, Blanche Allen, Mary A. Barnes and Evelyn Carriere with the Wharton Journal Spectator.

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

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

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. congratulated Councilmember Terry Freese on his retirement from the Wharton Independent School District.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 8, 2017 and May 22, 2017. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held on May 8, 2017 and May 22, 2017. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item discussed on the agenda was to review and consider Wharton Economic Development Corporation Fiscal Year 2017-2018 Annual Budget. City Manager Andres Garza, Jr. informed the City Council that in their packets was the Proposed Wharton

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Economic Development Corporation Fiscal Year 2017-2018 Annual Budget submitted by the Wharton Economic Development Corporation Executive Director Mr. Chad Odom. Mr. Odom stated the changes for the Wharton Economic Development Corporation Fiscal Year 2017-2018 Annual Budget. After some discussion, Councilmember Russell Machann moved to approve the Wharton Economic Development Corporation Fiscal Year 2017-2018 Annual Budget. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item discussed on agenda was to review and consider a resolution of the Wharton City Council approving the City of Wharton 2017 City Street Improvements Project and authorizing the Mayor of the City of Wharton to execute all documents related to said approval. City Manager Andres Garza, Jr. stated that the Public Works Committee met on June 8, 2017 and voted to recommend to the City Council the 2017 Street Improvement Program. Public Works Director Wade Wendt presented the roadways that were slated for improvement with the program. Finance Director Joan Anandel stated the funds for the project would be utilized out of the 2011 and 2015 Bond Funds and the current Capital Improvement Fund. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON 2017 STREET IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPROVAL.

WHEREAS, The Wharton City Council wishes to approve the 2017 Street Improvement Project as presented by staff; and,

WHEREAS, The Wharton City Council wishes to allocate funding for said project from the following 3 sources: the 2011 Bond Fund, the 2015 Bond Fund and the Capital Improvement Fund, and,

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

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 documents for the City of Wharton 2017 Street Improvement Project.

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Section II. The Wharton City Council hereby allocate funding for said project from the following 3 sources: the 2011 Bond Fund, the 2015 Bond Fund and the Capital Improvement Fund.

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

Passed, Approved, and Adopted this 12th day of June 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item discussed on the agenda was to review and consider Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 and Section 551.073 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:** Acquisition of Real Property-Wharton Flood Reduction Project-Levee.
- B. **Discussion:** Black Street Property.

Mayor Barker moved the meeting into closed session at 7:16 p.m.

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

- A. **Review & Consider:** Acquisition of Real Property-Wharton Flood Reduction Project-Levee.
- B. **Review & Consider:** Black Street Property

Mayor Tim Barker returned to open session at 7:35 p.m. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the Title VI Plan & First Annual Report and authorizing the Mayor of the City of Wharton to execute all documents related to said adoption. City Manager Andres Garza, Jr. stated that the City Staff was contacted by TxDOT Contract Compliance Specialist Mike McElroy regarding the requirement to have a Title VI Plan in place for the City. City Manager Garza said the City Staff had created a plan and after review by TxDOT was advised to present the review to the City Council for adoption. He said the plan would require yearly reviews, reporting and adoptions. Community Development Coordinator Gwyn Teves stated that the City was required to have City Council adoption and approval before final submittal to TxDOT. Mrs. Laney said the plan addressed discrimination in any capacity and laid out a complaint procedure for any occurrences should it be necessary. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2017-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 - 54**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE TITLE VI NONDISCRIMINATION PLAN & FIRST ANNUAL REPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID ADOPTION.

WHEREAS, Recipients of federal financial assistance are required to comply with various nondiscrimination laws and regulations; and,

WHEREAS, The City of Wharton's Title VI program has been established in accordance with federal rules under 49 CFR Part 21 and 49 CFR Part 303, and falls within the scope of responsibilities of the Office Community Development; and,

WHEREAS, The City of Wharton has prepared the 2016 Annual Workplan and Accomplishment Report; and,

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

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

SECTION I. The Wharton City Council hereby approves the 2017 Title VI Plan and 2016 Annual Workplan and Accomplishment Report.

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

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

PASSED, APPROVED, and ADOPTED this 12th day of June 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion.

The eleventh item on the agenda was to review and consider Old Lane City Road Overlay Project:

- A. Pay Request No. 2 & Final from Cornerstone Paving and Construction, LLC.
- B. Progress Report No. 2.

City Manager Andres Garza, Jr. presented pay request No. 2 in the amount of \$14,944.36 from Cornerstone Paving and Construction, LLC and for the Old Lane City Road Overlay Project and a Construction Progress Report No. 2 for the period of April 1, 2017 to May 30, 2017. After some discussion, Councilmember Al Bryant moved to approve pay request No. 2 in the amount of \$14,944.36 from Cornerstone Paving and Construction, LLC. Councilmember Steven Schneider seconded the motion. All voted in favor.

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

- A. Wharton Regional Airport Board.
- B. Beautification Commission.
- C. Building Standards Commission.
- D. Electrical Board.
- E. Mayor's Committee on People with Disabilities.
- F. Health Officer.
- G. Planning Commission.
- H. Plumbing and Mechanical Board.
- I. City Council Committees:
 - 1. Annexation Committee.
 - 2. Finance Committee.
 - 3. Housing Committee. _____
 - 4. Intergovernmental Relations Committee.
 - 5. Legislative Committee.
 - 6. Public Health Committee.
 - 7. Public Safety Committee.

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8. Public Works Committee.
9. Telecommunications Committee.
10. Wharton Economic Development Corporation Board of Directors Selection Committee.
11. Economic Development Committee.
12. Parks and Recreation Committee.

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

A. Wharton Regional Airport Board.	<u>Term Expiring</u>
Randy Rodriguez	June 30, 2019
Bill Kingrey	June 30, 2019
Jimmy Gardner	June 30, 2019
B. Beautification Commission.	
Helen Fojtik	June 30, 2019
Steven Roberts	June 30, 2019
Liliana Johse	June 30, 2019
Robert Nelson	June 30, 2019
C. Building Standards Commission.	
I.O. Coleman, Jr.	June 30, 2019
Leonard Morales	June 30, 2019
Shaun Stockwell	June 30, 2019
D. Electrical Board.	
Oscar Uribe	June 30, 2019
E. Mayor's Committee on People with Disabilities	
Cindy Kloesel	June 30, 2019
Lester Shelton	June 30, 2019
G. Planning Commission	
Rob Kolacny	June 30, 2019
H. Plumbing and Mechanical Board.	
Robert Sanchez	June 30, 2019

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

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

- A. Wharton Economic Development Corporation meeting held May 15, 2017.
- B. Parks and Recreation Committee meeting held May 16, 2017.
- C. Mayor's Committee on People with Disabilities meeting held May 18, 2017.

After some discussion, no action was taken.

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

The meeting adjourned at 7:54 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary