

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 21, 2017**

Mayor Tim Barker declared a Special Meeting duly open for the transaction of business at 5:30 P.M. Public Works Director Wade Wendt led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmembers present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Russell Machann and Don Mueller.

Councilmember absent were: Steven Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, Community Development Coordinator Gwyn Teves and Public Works Director Wade Wendt.

Visitors present were: None.

The second item on the agenda was roll call. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Steven Schneider. Councilmember Terry Freese seconded the motion. All voted in favor.

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

The forth item on the agenda was Wharton Moment. No comments were made.

The fifth item on the agenda was to review and consider Wavier of Fees:

A. **Resolution:** A resolution of the Wharton City Council approving the waiver of utility penalty and administration fees and authorization to set up payment plans due to the hurricane/flooding event.

B. **Resolution:** A resolution of the Wharton City Council approving/ratifying the waiver of permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the hurricane/flooding event.

City Manager Andres Garza, Jr. stated that the City Staff was requesting the City Council to consider waving penalty and administration fees to water customers affected by the flood event for sixty days. City Manager Garza said the City Staff was also requesting City Council approval and ratification of staff action on the wavier of building permit fees while the permit requirement would not be waived the just the fee would be waived. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-90 and 2017-91, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 – 90**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE WAIVER OF UTILITY PENALTY AND ADMINISTRATION FEES AND AUTHORIZATION TO SET UP PAYMENT PLANS DUE TO THE HURRICANE/FLOODING EVENT.

WHEREAS, The City of Wharton has received damage from Hurricane Harvey due to flooding; and,

WHEREAS, The City of Wharton wishes to waive penalty and administration fees to water customers affected by this event; and,

WHEREAS, The City of Wharton wishes to implement a payment plan for utility customers to help them pay their utility bill; and,

WHEREAS, The City Council wishes to authorize the City Staff to waive penalty and administration fees and implement a payment plan.

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 authorizes the City Staff of the City of Wharton to waive penalty and administration fees and implement a payment plan. .

Section II. That this resolution shall become effective upon passage.

Passed, Approved, and Adopted this 21st day of September 2017.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

CITY OF WHARTON

RESOLUTION NO. 2017 – 91

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING/ RATIFYING THE WAIVER OF PERMIT FEES ONLY FOR BUILDING, BUILDING (E), MECHANICAL, PLUMBING OR ANY OTHER FEE ASSOCIATED WITH THE HURRICANE/FLOODING EVENT.

WHEREAS, The City of Wharton has received damage from Hurricane Harvey due to flooding; and,

WHEREAS, The City of Wharton wishes to approve/ratify the waiver of permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the hurricane/flooding event.; and,

WHEREAS, The City Council wishes to authorize the City Staff to waive permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the hurricane/flooding event.

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 authorizes the City Staff of the City of Wharton waive permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the hurricane/flooding event.

Section II. That this resolution shall become effective upon passage.

Passed, Approved, and Adopted this 21st day of September 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 sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor to submit to the Lower Colorado River Authority (LCA) a letter requesting additional gauges at different locations for flood monitoring. City Manager Andres Garza, Jr. presented a draft letter from Mayor Barker to Mr. Phil Wilson Executive Director of the Lower Colorado River Authority (LCRA) requesting additional river level gauges downstream from Columbus. City Manager Garza stated the flooding on the Northside of the City was caused by water coming from Baughman Slough and Peach Creek, the request would address both of those waterways to assist the City in the future. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2017-92, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 – 92**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR TO SUBMIT TO THE LOWER COLORADO RIVER AUTHORITY (LCRA) A LETTER REQUESTING ADDITIONAL GAUGES AT DIFFERENT LOCATIONS FOR FLOOD MONITORING.

WHEREAS, The City of Wharton has received damage from flooding on the Northside of the City that was caused by water coming from Baughman Slough and Peach Creek; and,

WHEREAS, The request of the additional gauges would address both of those waterways to assist the City in the future; and,

WHEREAS, The City of Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a letter to the LCRA requesting additional gauges at different locations for flood monitoring.

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 authorizes the Mayor of the City of Wharton to submit a letter to the LCRA requesting additional gauges at different locations for flood monitoring.

Section II. That this resolution shall become effective upon passage.

Passed, Approved, and Adopted this 21st day of September 2017.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor to submit to the President of the United States a letter requesting funding for the Wharton Levee Project. City Manager Andres Garza, Jr. presented a copy of a draft letter addressed to President Trump informing him of the City of Wharton disaster. City Manager Garza stated that the damage to private households and businesses in the City would far exceed the cost of the entire levee project and this did not have to happen. He said the City had requested funding for this project since 2008 and if this project had been funded by the Federal Government the impact of the flood would have been greatly reduced or not have occurred. City Manager Garza said the City along with the U.S. Corp of Engineers had briefed the U.S. Senators and Congressman staff that represent the City before to no avail. He said the City Staff believed that a formal letter to the President might get their attention and the City with the Corp of Engineers assistance developed the plan for the construction portion of the plan (Santa Fe Channel) and the design portion (from U.S. 59 to Business 59). After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2017-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017 – 93**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR TO SUBMIT TO THE PRESIDENT OF THE UNITED STATES A LETTER REQUESTING FUNDING FOR THE WHARTON LEVEE PROJECT.

- WHEREAS,** The City of Wharton has received damage from Hurricane Harvey due to flooding; and,
- WHEREAS,** The damage to private households and businesses in the City will far exceed the cost of the entire levee project; and,
- WHEREAS,** The City has requested funding for this project since 2008; and,
- WHEREAS,** If this project had been funded by the Federal Government the impact of the flood would have been greatly reduced or not have occurred; and,
- WHEREAS,** The City along with the U.S. Corp of Engineers have briefed the U.S. Senators and Congressman Staff that represent the City; and,

WHEREAS, The City with the Corp of Engineers assistance developed the plan for the construction portion of the plan (Santa Fe Channel) and the design portion (from U.S. 59 to Business 59); and,

WHEREAS, The City is now requesting completion of all components of this project; and,

WHEREAS, The City of Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a letter to the President of the United States for funding of the entire Wharton Levee Project.

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 authorizes the Mayor of the City of Wharton to submit a letter to the President of the United States for funding of the entire Wharton Levee Project.

Section II. That this resolution shall become effective upon passage.

Passed, Approved, and Adopted this 21st day of September 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 on the agenda was to review and consider the authorization to use City equipment on private property to move debris due to health and sanitation concerns. City Manager Andres Garza, Jr. stated the City Staff was requesting for health and sanitation reasons the ability to assist individuals and/or businesses to use City equipment on private property. Community Development Coordinator Gwyn Teves stated the construction debris would become a health hazard and must be addressed immediately, before serious health issues arise. After some discussion, Councilmember Don Mueller moved to approve the authorization to use City equipment on private property to move debris and

declaring it an eminent threat to public health and safety of all citizens. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Pre-Disaster Mitigation Grant:

A. Tabulation of Proposals Received.

City Manager Andres Garza, Jr. stated that due to the recent Hurricane Harvey/Flood Event the City of Wharton only received one proposal for administration and one proposal for engineering for the Pre-Disaster Mitigation Grant Application. Community Development Coordinator Gwyn Teves requested the City Council consider the recommendation for both proposals be rejected and that the City re-advertise for these services. After some discussion, Councilmember Russell Machann moved to approve rejecting both proposals received for the Pre-Disaster Mitigation Grant and advertising for the services again. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth 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 5:47 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary