

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
JANUARY 8, 2018**

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. Pastor Debbie Cenko 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, 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 the City Attorney Paul Webb, Public Works Director Wade Wendt, Community Development Coordinator Gwyneth Teves, Airport Manager David Allen, Assistant to the Building Official Claudia Velasquez and Police Sergeant Don Chaney.

Visitors present were: Wharton Economic Development Director Chad Odom, III, Russell Cenko, Debbie Cenko, Steve Wilson 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. No comments were given.

The fifth item on the agenda was Public Hearing: United States Department of Agriculture Rural Development Water & Waste Disposal Loan & Grant Program. Mayor Tim Barker opened the meeting at 7:02 p.m. No comments were made. Mayor Tim Barker closed the meeting at 7:03 p.m.

The sixth item on the agenda was to review and consider the reading of the minutes from the regular meeting held on December 11, 2017. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held on December 11, 2017. Councilmember Steve Schneider seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the City of Wharton Financial Report for November 2017. Finance Director Joan Andel presented the financial report for

the month of November 2017. Mrs. Andel stated that the TexPool balance for November 2017 was \$78,863.11 with an average monthly yield of 1.0506%. She said the Prosperity Bank balance for November 2017 was \$3,084,363.26 with an average monthly yield of .25%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of November 2017. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request for extension on approval of variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims. City Manager Andres Garza, Jr. presented a memo to him from Community Development Coordinator Gwyneth Teves requesting an extension on the approval of the variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims granted September 11, 2017. Mrs. Teves stated there were 17 FEMA units inside the City limits and home owners were continuing to make repairs to their homes. She said FEMA was allowing the use of their units until February 25, 2019 and requested the City Council consider approving the variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims until that date. After some discussion, Russell Machann moved to approved extending the variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims to February 25, 2019. Councilmember Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request from Mr. and Mrs. Russell Cenko for a variance to construct a residence over a property line dividing two lots owned by Mr. and Mrs. Cenko at 1813 Kelving Way, Lots 2 & 3. City Manager Andres Garza, Jr. presented a request from Mr. and Mrs. Russell Cenko for a variance to construct a residence over a property line dividing two lots owned by Mr. and Mrs. Cenko at 1813 Kelving Way, Lots 2 & 3. Assistant to the Building Official Claudia Velasquez stated that Mr. and Mrs. Cenko owned both lots and were wishing to build a home on the properties. After some discussion, Councilmember Al Bryant moved to approve the request from Mr. and Mrs. Russell Cenko for a variance to construct a residence over a property line dividing two lots owned by Mr. and Mrs. Cenko at 1813 Kelving Way, Lots 2 & 3. Councilmember Terry Freese seconded the motion.

The tenth item on the agenda was to review and consider the Planning Commission recommendation for final action on a Preliminary/Final Re-Plat of Arnel 2, Lot 1K-4, Arnel 2, Lot 1K-4A, Green Meadows, Blk 2, Lots 1-8 & Green Meadows, Blk 2, Lot 8A, located at the end of La Delle St. in the ETJ of the City of Wharton for patio home subdivision. City Manager Andres Garza, Jr. stated that the Planning Commission reviewed the request by Mr. Brett Rowley for approval of a Preliminary/Final Re-Plat of Arnel 2, Lot 1K-4, Arnel 2, Lot 1K-4A, Green Meadows, Blk 2, Lots 1-8 & Green Meadows, Blk 2, Lot 8A, located at the end of La Delle St. in the ETJ of the City of Wharton for patio home subdivision on January 4, 2017. City Manager Garza presented a copy of the existing plat and the proposed re-plat of the property. Community Development Coordinator Gwyn Teves stated the Planning Commission provided the recommendation that the City Council consider approving the Preliminary Re-Plat of the property but requested amendments be made before approval of the Final Re-Plat. After some discussion, Councilmember Al Bryant moved to approve the

City of Wharton  
Regular Council Meeting  
January 8, 2018

Preliminary Re-Plat of Arnel 2, Lot 1K-4, Arnel 2, Lot 1K-4A, Green Meadows, Blk 2, Lots 1-8 & Green Meadows, Blk 2, Lot 8A, located at the end of La Delle St. in the ETJ of the City of Wharton for patio home subdivision. Councilmember Terry Freese 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 accepting a Deed of Gift from Mr. Walter C. Hayhurst, Jr., and authorizing the Mayor of the City of Wharton to execute all documents related to said deed. City Manager Andres Garza, Jr. stated that after meeting with Volunteer Fire Chief Anthony Abbott, Mr. Walter C. Hayhurst Jr., had decided to deed the property to the City of Wharton. City Manager Garza presented a draft Deed of Gift from Mr. Walter C. Hayhurst, Jr., for lots Eleven (11) and Twelve (12) in the W. Hawes Addition East, in the City of Wharton. City Attorney Paul Webb stated Mr. Hayhurst was a very active citizen and his son wanted to donate the lot to the City for use by the Wharton Volunteer Fire Department. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-01, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-01**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DEED OF GIFT FROM MR. WALTER C. HAYHURST JR., AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID DEED.**

**WHEREAS**, Mr. Walter C. Hayhurst Jr., wishes to donate lots eleven and twelve in the W. Hawes Addition East to the City of Wharton; and;

**WHEREAS**; The City of Wharton wishes to accept said parcel from Mr. Hayhurst; 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 accepts the following parcel from Mr. Hayhurst:

1. Lots eleven and twelve in the W. Hawes Addition East.

**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.

City of Wharton  
Regular Council Meeting  
January 8, 2018

**Passed, Approved and Adopted this 8<sup>th</sup> day of January 2018.**

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember Don Mueller 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 a Joint Election Agreement with Wharton County Elections Department for the City Election; and authorizing the Mayor of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. presented a copy of the Joint Election Agreement with Wharton County Elections Department for the City Election, which was set for May 5, 2018 and a draft copy of a resolution approving the agreement. City Secretary Paula Favors stated the contract remained the same as in previous years but the proposed polling locations had not been set as of the draft contract. Mrs. Favors stated once the polling locations were set the contract would be signed. City Attorney Paul Webb stated that he had reviewed the Joint Election Agreement and was recommending City Council consider approving the agreement. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-02, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-02**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE CITY ELECTION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to approve the joint agreement with Wharton County Elections Department for the City election; and,

**WHEREAS,** The City of Wharton and Wharton County Elections Department wishes to be bound by the conditions set forth in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

City of Wharton  
Regular Council Meeting  
January 8, 2018

**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 an agreement between the City of Wharton and Wharton County Elections Department for the City election.

**Section II.** That the City of Wharton and Wharton County Elections Department are hereby bound by the conditions set forth in the agreement.

**Section III.** That the Wharton City Council hereby authorizes the Mayor of the Wharton to execute the agreement.

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

**Passed, Approved, and Adopted** this the 8th day of January 2018.

**CITY OF WHARTON**

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

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
City Secretary

Councilmember Russell Machann seconded the motion.

The thirteenth item on the agenda was to review and consider the acceptance of the donation of a Kubota Skid Steer Loader from Scherer Kubota of El Campo and Kubota Tractor Corporation. City Manager Andres Garza, Jr. stated that on December 8, 2017 Mayor Barker was contacted by Kubota Tractor Corporation about the donation of a Kubota Skid Steer. City Manager Garza said that on December 27, 2017 the Kubota Skid Steer was received at the City of Wharton Public Works Building by Mayor Barker and Public Works Director Wade Wendt. He presented copies of the thank you letters sent by Mayor Barker and a photo of the donation. After some discussion, Councilmember Russell Machann moved to approve the acceptance of the donation of a Kubota Skid Steer Loader from Scherer Kubota of El Campo and Kubota Tractor Corporation. Councilmember Steve Schneider seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the Lower Colorado River Authority 2018 Steps Forward Day. City Manager Andres Garza, Jr. stated that the Steps

Forward Day was a way for LCRA to give back to its customers and partner with them on projects that help their communities. City Manager Garza said they would step into communities for the fourth annual Steps Forward Day on April 6, 2018. Community Development Coordinator Gwyn Teves stated that the City was able to benefit from last year's Steps Forward Day when the Harris Park Restroom Facilities were refurbished and repainted. She said that two project(s) were identified for this grant application and a maximum of 2 applications and a total of \$5000 could be applied for. Mrs. Teves stated that one project was to rehabilitate the landscaping at City Hall and the second project was to provide a day of maintenance and landscaping to the Wharton City Cemetery and the adjoining Latin American Cemetery. After some discussion, Councilmember Al Bryant moved to approve the submission of two grant applications to the Lower Colorado River Authority 2018 Steps Forward Day. Councilmember Terry Freese seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider City of Wharton Regional Airport:

- A. Quotes for Wharton Regional Airport Roof Repairs.
- B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the roof replacement at the Wharton Regional Airport and authorizing the City Manager to execute on behalf of the City said contract.

City Manager Andres Garza, Jr. stated that the roof at the Wharton Regional Airport was in need of replacement and the City staff solicited quotes for the cost. City Manager Garza presented the quotes and a memorandum from Wharton Regional Airport Manager David Allen. Mr. Allen stated First Call Roofing Systems submitted the lowest and most qualified bid. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-03, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-03**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE ROOF REPLACEMENT AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY SAID CONTRACT.**

**WHEREAS,** Proposals were received for the roof repairs at the Wharton Regional Airport; and,

**WHEREAS,** First Call Roofing Systems was deemed the best lowest qualified bidder in the amount of \$8,100.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to First Call Roofing Systems for the roof repairs at the Wharton Regional Airport in the amount of \$8,100.00; and,

City of Wharton  
Regular Council Meeting  
January 8, 2018

**WHEREAS,** The City of Wharton and First Call Roofing Systems wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to execute the agreement.

**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 City Manager to execute a contract for the roof repairs at the Wharton Regional Airport to First Call Roofing Systems in the amount of \$8,100.00.

**Section II.** The City of Wharton and First Call Roofing Systems are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 8th day of January 2018.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The sixteenth item on the agenda was to review and consider Pay Requests from Ceres Environmental and TDMS Release. City Manager Andres Garza, Jr. presented the following Pay Request from Ceres Environmental for debris removal services from Ceres Environmental:

- No. 6 in the amount of \$69,440.00
- No. 7 in the amount of \$761.40,
- No. 8 in the amount of \$14,131.60
- No. 9 in the amount of \$12,099.92
- No. 10 in the amount of \$15,717.40

City of Wharton  
Regular Council Meeting  
January 8, 2018

- No. 11 in the amount of \$11,200.70
- No. 12 in the amount of \$20,871.90
- No. 13 in the amount of \$4,195.80
- No. 14 in the amount of \$14,135.80
- No. 15 in the amount of \$8,180.20
- No. 16 in the amount of \$4,842.60
- No. 17 in the amount of \$2,402.30

Total amount of \$177,979.62

After some discussion, Councilmember Al Bryant moved to approve the Pay Request from Ceres Environmental in the amount of \$177,979.62. Councilmember Terry Freese seconded the motion. All voted in favor.

City Manager Garza presented the Ceres Temporary Debris Management Site Release for approval. After some discussion, Councilmember Al Bryant moved to approve the Ceres Temporary Debris Management Site Release. Councilmember Steve Schneider seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for FEMA Public Assistance and Long-Term Community Recovery consulting services and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated the termination of the CB&I consulting contract presented a need for a consultant that could pick up and continue the work if needed on the projects that were started under the contract. City Manager Garza said that City staff sent out for proposals to 5 separate consulting firms on October 7, 2017 and again on November 1, 2017. Community Development Coordinator Gwyn Teves stated the only firm to provide a response was Collaborative Communities and the City Staff was recommending that the contract be awarded to Collaborative Communities. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-04, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-04**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR FEMA PUBLIC ASSISTANCE AND LONG-TERM COMMUNITY RECOVERY CONSULTANT SERVICES AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to enter into a contract for FEMA Public Assistance and Long-Term Community Recovery consulting services with Collaborative Communities; and,



City of Wharton  
Regular Council Meeting  
January 8, 2018

**WHEREAS,** The City of Wharton and Collaborative Communities wishes to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said contract.

**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 to execute an agreement with Collaborative Communities for FEMA Public Assistance and Long-Term Community Recovery consulting services.

**Section II.** The City of Wharton and Collaborative Communities are hereby bound by the conditions as set forth in the contract.

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

**Passed, Approved, and Adopted** this 8<sup>th</sup> day of January 2018.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The eighteenth item on the agenda was to review and consider Wharton Economic Development Corporation:

- A. Wharton Economic Development Corporation Fiscal Year 2017-2018 Budget Amendment.
- B. Wharton Economic Development Corporation Resolution No. 2017-07.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Fiscal Year 2017-2018 Budget Amendment and Resolution No. 2017-07. Mr. Chad Odom stated two readings of Resolution No. 2017-07 were required. After some discussion, City Councilmember Al Bryant moved to approve afore mentioned items A. & B. Councilmember Steve Schneider seconded the motion. All voted in favor.

City of Wharton  
Regular Council Meeting  
January 8, 2018

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

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

After some discussion, no action was taken.

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

- A. Wharton Regional Airport Board meeting held on January 2, 2018.

After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider City Manager's Reports:

- |  |                                 |
|--|---------------------------------|
| A. City Secretary/Personnel.                                   | H. Fire Marshall.               |
| B. Code Enforcement.   | I. Legal Department.            |
| C. Community Services Department / Civic Center.               | J. Municipal Court.             |
| D. Emergency Management.                                       | K. Police Department.           |
| E. E.M.S. Department.  | L. Public Works Department.     |
| F. Facilities Maintenance Department / Wharton Municipal Pool. | M. Water / Sewer Department.    |
| G. Fire Department.  | N. Weedy Lots / Sign Ordinance. |
|  | O. Wharton Regional Airport.    |

After some discussion, no action was taken.

The twenty-second item on the agenda was to review and consider accepting Insurance claim filed with Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for improvements to City Hall with Stockwell Construction. City Manager Andres Garza, Jr. presented a memorandum dated January 4, 2018, from City Secretary Paula Favors that discussed an insurance claim filed with Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for a water leak at City Hall during the Thanksgiving holiday weekend. Mrs. Favors stated due to the leak the flooring in the building was having to be replaced. After some discussion, Councilmember Russell Machann moved to approve accepting the Insurance claim filed with Texas Municipal League Intergovernmental Risk Pool (TML-IRP) for improvements to City Hall with Stockwell Construction. Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-third item on the agenda was to review and consider a request from Ms. Desurae Matthews for permission of usage of the city stage for the MLK Celebration. City Manager Andres Garza, Jr. presented a request from Ms. Desurae Matthews for permission of usage of the city stage for the MLK Celebration. After some discussion, Councilmember Al Bryant

City of Wharton  
Regular Council Meeting  
January 8, 2018

moved to approve the request from Ms. Desurac Matthews for permission of usage of the city stage for the MLK Celebration. Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-fourth 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 7:30 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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