

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 9, 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. Councilmember Al Bryant 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, Alice Heard-Roberts, Don Mueller and Steve Schneider.

Councilmember absent were: Russell Machann.

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

Visitors present were: Mary A. Barnes, Paula Martinez and Wharton Economic Development Corporation (WEDCo) Executive Director, Chad Odom.

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 members voted in favor.

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

The fourth item on the agenda was the Wharton Moment. City Attorney Paul Webb stated he was grateful for City Manager Andres Garza, Jr. health. Mayor Tim Barker thanked City Manager Andres Garza, Jr. for never taking no for an answer and always moving forward on the Flood Reduction – Levee Project and stated word had been received the project was announced to be fully funded. City Manager Garza thanked his Lord and Savior for being alive and receiving good news from his cardiologist. City Manager Garza thanked God for being with the community and for the approval of 100% funding of the Levee project.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held June 11, 2018 and June 25, 2018 and special meeting held June 16, 2018. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meetings held on June 11, 2018 and June 25, 2018 and special meeting held June 16, 2018. Councilmember Steve Schneider seconded the motion. All voted in favor.

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The sixth item on the agenda was to review and consider application by Signa EMS Inc. for an Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Permit Application submitted by Signa EMS Inc. to provide emergency medical services in the City of Wharton and a memorandum from EMS Director John Kowalik to him informing him that Texas Department of Health and Signa Ambulance Service was currently certified and in good standing with the Texas Department of State Health Services. EMS Director Kowalik stated there was some clarification in the number of vehicles Signa EMS Inc. was wanting to utilize. After some discussion, Councilmember Al Bryant moved to approve the application by Signa EMS Inc. for an Ambulance Provider Permit providing clarification was made on the number of vehicles needed to be utilized. Councilmember Steve Schneider 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 supporting Wharton County's application to the Texas Water Development Board for the study of the Colorado River and committing funds over a two year period and authorizing the Mayor of the City of Wharton to execute all documents related to said application. City Manager Andres Garza, Jr. stated that Wharton County was submitting an application to the TWDB for a study of the Colorado River and was requesting a letter of support and a commitment of \$33,083.33 over a period of 2 years (2 annual payments of \$16,541.66) to complete the study if the grant application was approved. Community Development Coordinator Gwyn Teves stated the City was requiring that the following be part of the study:

1. Specifically, the elevation (at Columbus) at which the river crosses FM102 in the Egypt and Glen Flora area.
2. Specifically, the impact of flooding north of FM 102 to include Peach Creek, Baughman Slough, and Caney Creek.

After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2018-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018 - 53**

A RESOLUTION OF THE WHARTON CITY COUNCIL SUPPORTING WHARTON COUNTY'S APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR THE STUDY OF THE COLORADO RIVER AND COMMITTING FUNDS OVER A TWO-YEAR PERIOD AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID APPLICATION.

WHEREAS, The City of Wharton City Council wishes to submit a letter of support to Wharton County in support of the submission of an application to the Texas Water Development Board (TWDB) for a study of the Colorado River; and

WHEREAS, The City of Wharton City Council wishes to commit funds over a two-year period to the study if the application is approved totaling \$33,083.33; and

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

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

SECTION I. The Wharton City Council hereby approves the submittal submit of a letter of support to Wharton County in support of the submission of an application to the Texas Water Development Board (TWDB) for a study of the Colorado River.

SECTION II. The City of Wharton City Council wishes to commit funds over a two-year period to the study if the application is approved totaling \$33,083.33.

SECTION III. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

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

PASSED, APPROVED, and ADOPTED this 9th day of July 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving the submission of Public Comments to the Texas Department of Transportation (TxDOT) for the 2019 Unified Transportation Program (UTP) and authorizing the Mayor of the City of Wharton to submit said Public Comments. City Manager Andres Garza, Jr. stated the Texas Department of Transportation would be holding a public meeting Thursday, July 12, 2018 via WebEx or at the local TxDOT District Office to receive comments on the 2019 Unified Transportation Program. City Manager Garza said the FM 1301 Overpass was removed from the 2018 Unified Transportation Plan and City Staff felt the FM 1301 Overpass should be placed back in the Program. Community Development Coordinator Gwyn Teves stated the Public Works Committee had met and was requesting the City Council consider approving the resolution. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution NO. 2018-54, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2018-54

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMISSION OF PUBLIC COMMENTS TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE 2019 UNIFIED TRANSPORTATION PROGRAM (UTP) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT SAID PUBLIC COMMENTS.

WHEREAS, The Texas Department of Transportation will be holding a public meeting Thursday, July 12, 2018 via WebEx or at the local TxDOT District Office to receive comments on the 2019 Unified Transportation Program; and,

WHEREAS, The FM 1301 Overpass was removed from the 2018 Unified Transportation Plan; and

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Public Comment to the Texas Department of Transportation for the 2019 Unified Transportation Plan to place the project back into the program.

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

Section I. That the City of Wharton City Council wishes to authorize the submission of a public comment on the 2019 Unified Transportation Program.

Section II. The Wharton City Council hereby authorizes the Mayor to submit the above-mentioned public comment on behalf of the City of Wharton.

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

Passed, Approved, and Adopted this 9th day of July 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry Freese 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 setting a cutoff date for storm debris removal from Hurricane Harvey/Flood Event 2017. City Manager Andres Garza, Jr. presented a copy of the draft resolution establishing a cutoff date of July 23, 2018 for the placement of disaster debris associated with the hurricane Harvey/flooding event for pickup. City Manager Garza stated the City Staff would advise all residents that any debris placed out after July 23, 2018 would be a pay pile. Community Development Coordinator Gwyneth Teves stated the cutoff date would allow the City Public Works Department adequate time to collect the storm debris before the FEMA cutoff date of August 1, 2018. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2018-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018 – 55**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CUTOFF FOR THE REMOVAL OF DISASTER DEBRIS ASSOCIATED WITH THE HURRICANE HARVEY/FLOODING EVENT.

WHEREAS, The City of Wharton City Council wishes to establish a cutoff date of July 23, 2018 for the placement of disaster debris associated with the hurricane Harvey/flooding event for pickup; and,

WHEREAS, The City of Wharton City Council wishes to advise all residents that any debris placed after July 23, 2018 will be a pay pile; and,

WHEREAS, The extension of the reimbursement of force account labor through the FEMA Debris Removal Program will expire July 31, 2018; and,

WHEREAS, The City Council wishes to authorize the City Staff remove debris until July 31, 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 establishes a cutoff date of July 23, 2018 for the placement of disaster debris associated with the hurricane Harvey/flooding event for pickup.

Section II. That the City of Wharton City Council wishes to advise all residents that any debris placed after July 23, 2018 will be a pay pile.

Section III. The City Council wishes to authorize the City Staff remove debris until July 31, 2018.

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

Passed, Approved, and Adopted this 9th day of July 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 tenth item on the agenda was to review and consider USDA Well and Water Plant Loan:

A. **Resolution:** A resolution of the Wharton City Council authorizing amending the contract for engineering services with HALFF associates for the USDA well and water plan loan and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

City Manager Andres Garza, Jr. stated that there was a requirement for the engineer to use a USDA structured agreement/contract and this would take the place of the current engineering contract in place for this project, the contract had been reviewed by legal counsel to insure it met USDA's criteria. After some discussion, Councilmember Al Bryant moved to approve City of Wharton No. 2018-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-56**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AMENDING THE CONTRACT FOR ENGINEERING SERVICES WITH HALFF ASSOCIATES FOR THE USDA WELL AND WATER PLAN LOAN AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton is required by the United States Department of Agriculture (USDA) to have an engineering agreement for the services to be provided on the USDA Well and Water Plant loan that is formatted to their specifications; and

WHEREAS, The City of Wharton City Council wishes to amend the agreement it currently has with HALFF Associates for engineering services to accommodate the USDA contract format; and

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

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

Section I. That the City of Wharton City Council wishes to amend the agreement with HALFF Associates for engineering services.

Section II. The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said contract.

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

Passed, Approved, and Adopted this 9th day of July 2018.

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 a resolution of the Wharton City Council authorizing the submission of an application to the Texas Water Development Board (TWDB) for the FY 2018-2019 Flood Protection Grants Funding Opportunity and authorizing the Mayor to execute all documents relating to said agreement. City Manager Andres Garza, Jr. stated the Texas Water Development Board (TWDB) requested applications for the possible award of grants for flood protection planning, flood early warning systems, or the implementation of local strategies for alerting and responding to floods. Community Development Coordinator Gwyn Teves stated the TWDB would accept applications that include political subdivisions in Texas that have the authority to plan for and implement projects related to flood protection. Mrs. Teves said the City of Wharton staff was requesting to submit an application for a drainage study plan. City Manager Garza presented the Notice of Funding Opportunity. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018 - 57**

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A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD (TWDB) FOR THE FY 2018-2019 FLOOD PROTECTION GRANTS FUNDING OPPORTUNITY FOR THE 2018 FLOOD PROTECTION STUDY AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to authorize the submission of an application to the Texas Water Development Board (TWDB) for the FY 2018-2019 Flood Protection Grants Funding Opportunity for the 2018 Flood Protection Study; and

WHEREAS, The Wharton City Council wishes to enter into a contract with the Texas Water Development Board; and

WHEREAS, The Wharton City Council wishes to commit local matching funds in cash and/or in-kind services in the amount of \$52,000; and

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

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

SECTION I. The Wharton City Council hereby approves the submittal of an application to the Texas Water Development Board (TWDB) for the FY 2018-2019 Flood Protection Grants Funding Opportunity for the 2018 Flood Protection Study.

SECTION II. The Wharton City Council wishes to enter into a contract with the Texas Water Development Board.

SECTION III. The Wharton City Council wishes to commit local matching funds in cash and/or in-kind services in the amount of \$52,000.

SECTION IV. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

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

PASSED, APPROVED, and ADOPTED this 9th day of July 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 Appointments & Resignations to the City of Wharton Boards, Commissions and Committees:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.
- D. Mayor's Committee on People with Disabilities.

After some discussion, Councilmember Al Bryant moved to appoint the following:

- A. Beautification Commission

Sandra Holmes

Term Expiring:
June 30, 2020

Councilmember Don Mueller seconded the motion. All voted in favor. Councilmember Terry Freese moved to accept the resignation of Mr. Chris Voulgaris and to appoint the following:

Housing Finance Committee

Morris Dean

Term Expiring:
June 30, 2019

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

The thirteenth item on the agenda was to review and consider Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Manager Andres Garza, Jr. requested to present the item at a future City Council meeting. 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 Alice Heard-Roberts seconded the motion. All voted in favor.

The meeting adjourned at 7:33 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

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Paula Favors
City Secretary