

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JULY 23, 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 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, Alice Heard-Roberts, Russell Machann Don Mueller and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, Community Development Coordinator Gwyneth Teves, Assistant to the City Manager Brandi Jimenez, EMS Director John Kowalik and Public Works Director Wade Wendt.

Visitors present were: Albert Villegas with the Wharton Journal Spectator.

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

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

The forth item on the agenda was the Wharton Moment. Mayor Tim Barker stated the newly restored Colorado River Bridge would be reopening soon. City Manager Andres Garza, Jr. requested prayers for Code Enforcement Jimmy Nickolyn who was ill. Councilmember Russell Machann stated that he had received compliments that the new park bathrooms looked good and were clean.

The fifth item on the agenda was to review and consider the City of Wharton Finance Report for June 2018. Finance Director Joan Anandel presented the financial report for the month of June 2018. Mrs. Anandel stated that the TexPool balance for June was \$1,010,834.53 with an average monthly yield of 1.81%. She said the Prosperity Bank balance for June 2018 was \$3,473,937.38 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 June 2018. Councilmember Don Mueller seconded the motion. All voted in favor.

City of Wharton
Regular Council Meeting
July 23, 2018

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for Ambulance Transfers with OakBend Medical Center and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a contract for Ambulance Transfers between The City of Wharton and OakBend Medical Center to provide ambulance services to out of city facilities for patients of OakBend Medical Center that are treated in the City of Wharton. EMS Director John Kowalik stated the terms of the contract was for two (2) years that began June 28, 2018 thru June 27, 2020 with extended one (1) year periods upon written agreement by both parties within ninety (90) days. City Attorney Paul Webb stated he had reviewed the contract and was recommending the City Council consider approving it. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2018-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-58**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR AMBULANCE TRANSFERS WITH OAKBEND MEDICAL CENTER AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve the contract with OakBend Medical Center for ambulance transfers; and,

WHEREAS, The City of Wharton and OakBend Medical wishes to be bound by the conditions set forth in the contract; 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 as follows:

Section I. That the Wharton City Council hereby approves contract between the City of Wharton and OakBend Medical for ambulance transfers.

Section II. That the City of Wharton and OakBend Medical are hereby bound by the conditions set forth in the contract.

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.

City of Wharton
Regular Council Meeting
July 23, 2018

Passed, Approved, and Adopted this the 23rd day of July 2018.

CITY OF WHARTON

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The seventh 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 copy of the list of surplus personal property that the City Staff was requesting City Council approval to advertise for bids and 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. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-59**

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,

City of Wharton
Regular Council Meeting
July 23, 2018

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

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.

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 23rd 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.

City of Wharton
Regular Council Meeting
July 23, 2018

The eighth item on the agenda was to review and consider Kalina Utility Services Project:

- A. Sanitary Sewer Line Agreement.
- B. Cost Estimates.

City Manager Andres Garza, Jr. presented the cost estimates for the project. After some discussion, Councilmember Don Mueller moved to approve the Kalina Utility Services Project Sanitary Sewer Line Agreement and Cost Estimates. Councilmember AL Bryant 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 awarding a contract for Engineering Services for the Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on July 16, 2018, the City received statements of qualifications for engineering services for the Texas Hazard Mitigation Assistance Grant(s) from the Texas Hazard Mitigation Assistance Program of the Texas Department of Emergency Management and/or Texas Water Development Board. Community Development Coordinator Gwyn Teves stated the Consultant Selection Committee met July 23, 2018 and were recommending that the City Council consider entering into a contract with Jones and Carter, Inc. for the services. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-60**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR THE HARVEY COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY FUNDING FROM THE GENERAL LAND OFFICE – COMMUNITY DEVELOPMENT & REVITALIZATION (GLO) AND 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 Engineering Services for the Harvey Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO) with Jones & Carter; and,

WHEREAS, The City of Wharton and Jones & Carter wishes to be bound by the conditions as set forth in the agreement; and,

City of Wharton
Regular Council Meeting
July 23, 2018

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 Jones & Carter for Engineering Services for the Harvey Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO).

Section II. The City of Wharton and Grantworks 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 23rd day of July 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for Engineering Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on July 16, 2018, the City received statements of qualifications for engineering services for the Texas Hazard Mitigation Assistance Grant(s) from the Texas Hazard Mitigation Assistance Program of the Texas Department of Emergency Management and/or Texas Water Development Board. Community Development Coordinator Gwyn Teves stated the Consultant Selection Committee met on

City of Wharton
Regular Council Meeting
July 23, 2018

July 23, 2018 and were recommending the City Council consider awarding the contract to Jones and Carter, Inc. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-61, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-61**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR ONE OR MORE HAZARD MITIGATION ASSISTANCE (HMA) GRANTS FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, TEXAS WATER DEVELOPMENT BOARD AND/OR OTHER SOURCES, INCLUDING HAZARD MITIGATION GRANT PROGRAM, AND/OR FLOOD MITIGATION ASSISTANCE AND 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 Engineering Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance with Jones & Carter and,

WHEREAS, The City of Wharton and Jones & Carter 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 Jones & Carter for Engineering Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance.

Section II. The City of Wharton and Jones & Carter are hereby bound by the conditions as set forth in the contract.

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

City of Wharton
Regular Council Meeting
July 23, 2018

Passed, Approved, and Adopted this 23rd 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 eleventh item on the agenda was to review and consider Pay Request No. 1 from James Construction for the 2017-2018 Street Improvement Project. City Manager Andres Garza, Jr. presented Pay Request No. 1 from James Construction in the amount of \$134,110.80 for the 2017-2018 Street Improvement Project for completed work through July. After some discussion, Councilmember Don Mueller moved to approve Pay Request No. 1 from James Construction in the amount of \$134,110.80 for the 2017-2018 Street Improvement Project for completed work through July. Councilmember Terry Freese seconded the motion. All voted in favor.

The twelfth item on the agenda was **Executive Session:** City Council may adjourn into an Executive Session in accordance with Sections 551.072, 551.074 and 551.087 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.

Discussion:

- A. City Managers Evaluation.
- B. Acquisition of Real Property-FM 1301 Extension and Railroad Overpass Project.
- C. Economic Development Negotiations-East Boling Highway.
- D. Economic Development Negotiations- 184 Acre Development.
- E. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

Mayor Barker moved the meeting into closed session at 7:56 p.m.

The thirteenth item on the agenda was to Return to Open Meeting: Action on items discussed in Executive Session:

Review & Consider:

- A. City Managers Evaluation.

City of Wharton
Regular Council Meeting
July 23, 2018

- B. Acquisition of Real Property-FM 1301 Extension and Railroad Overpass Project.
- C. Economic Development Negotiations-East Boling Highway.
- D. Economic Development Negotiations- 184 Acre Development.
- E. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

Mayor Tim Barker returned to open session at 7:56 p.m. After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider is an update of City of Wharton Grant Programs. Community Development Coordinator Gwyn Teves presented an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The fifteenth 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 July 18, 2018 providing an update on the City of Wharton current projects as of June 30, 2018.

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 City Staff re-submitted the project to Texas Water Development Board for the 2017 Program Year under the Clean Water State Revolving Fund for loan forgiveness consideration. Also, there has been some federal legislation passed in Congress that may provide funding for the project. The City Staff is working with the Fort Worth District Office regarding the legislation. The USACE is developing the guidance on the process to move this project forward. The City is expecting an announcement from the USACE soon.

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.

City of Wharton
Regular Council Meeting
July 23, 2018

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 contacted property owners for the necessary easements needed to install the drainage pipes. All four (4) property owners have executed the drainage agreements and have been accepted by the City Council. The Public Works Department will begin the installation of drainage pipes in the near future.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of June.

2. Alabama Street Sewer Line Project.

The project has been completed and grant closeout had begun.

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. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa on the exit design.

4. 2017-2018 City Street Improvements.

The City 2017-2018 Street Improvement Program was approved by the City Council on April 9, 2018. The City Public Works Department has begun the Street Improvement Project. Monthly updates will be submitted to the Mayor and City Council as the project progresses.

After some discussion, no action was taken.

City of Wharton
Regular Council Meeting
July 23, 2018

The sixteenth item on the agenda was to review and consider Appointments 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.
- E. City Veterinarian.

After some discussion, Councilmember Russell Machann moved to appoint the following:

A. **Beautification Commission:**

Margaret Dixon

June 30, 2020

E. **Veterinarian:**

Cody Pohler

June 30, 2020

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

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

- A. Public Works Committee meeting held June 9, 2018.

After some discussion, no action was taken.

The eighteenth item on the agenda was City Manager's Reports:

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

After some discussion, no action was taken.

The nineteenth 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.

City of Wharton
Regular Council Meeting
July 23, 2018

The meeting adjourned at 8:07 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary