

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 22, 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. Airport Manager David Allen 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, Don Mueller, Russell Machann and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, CPM, Community Development Director Gwyneth Teves, Assistant to the City Manager Brandi Jimenez, Airport Manager David Allen, EMS Director John Kowalik, Police Chief Terry David Lynch, Finance Clerk Theresa Wittig, Customer Service Clerk Lynette Masek, Assistant to the Building Official Claudia Velasquez and Public Works Director Wade Wendt.

Visitors present were: Elizabeth Masek, Wharton Independent School District Superintendent Tina Herrington, I.O. Coleman, Jr., Randy Meyer, President of Wharton Lions Club, Norman Simmons, Steve Van Manen of Harrison, Waldrop & Uherek, LLP, 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. Mr. Norman Simmons stated issues he has had with a local store where he was treated with disrespect and possible illegal actions that were taking place at the location. Mr. Simmons said he had attempted to speak with the Police Chief and a Lieutenant about the matter but he did not feel that it was handled.

The fourth item on the agenda was the Wharton Moment. Finance Director Joan Anandel stated t-shirts that the City Hall Staff wear wearing were in honor of fellow employee Lynette Masek. Mrs. Anandel stated that October was Breast Cancer Awareness Month and

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the staff wanted to honor Mrs. Masek for her thirteen years as a cancer survivor. City Manager Andres Garza, Jr. stated he was thankful to the Lord and Savior to be back to work after eight weeks of healing from his quadruple bypass surgery. City Manager Garza thanked the Mayor, City Council and City Staff for taking care of City matters in his absence.

The fifth item on the agenda was to review and consider the City of Wharton Finance Report for September 2018. Finance Director Joan Andel presented the financial report for the month of September 2018. Mrs. Andel stated that the TexPool balance for September was \$315,010.69 with an average monthly yield of 2.00%. She said the Prosperity Bank balance for September 2018 was \$4,400,398.06 with an average monthly yield of .25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of September 2018. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Annual Financial Report for Fiscal Year October 1, 2016 to September 30, 2017 by Harrison, Waldrop & Uherek, L.L.P. Mr. Steve Van Manen of Harrison, Waldrop & Uherek, LLP, presented the City of Wharton Annual Financial Report for Fiscal Year October 1, 2016 to September 30, 2017. Mr. Van Manen stated the City of Wharton had been given a clean opinion. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Annual Financial Report for Fiscal Year October 1, 2016 to September 30, 2017. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item on the agenda was Executive Session:

City Council may adjourn into an Executive Session in accordance with Section 551.074 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:** The evaluation of City Manager and Finance Director regarding the City financial matters.
- B. **Discussion:** Appointment of Director of Public Works.

Mayor Barker moved the meeting into closed session at 7:17 p.m.

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

- A. **Review & Consider:** The evaluation of City Manager and Finance Director regarding the City financial matters.
- B. **Review & Consider:** Appointment of Director of Public Works.

Mayor Tim Barker returned to open session at 7:31 p.m. After some discussion, Councilmember Russell Machann moved to authorize City Manager Andres Garza, Jr. to

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contract for an interim Director of Public Works if he found it necessary. Councilmember Don Mueller seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a presentation by Danielle Rojas with GrantWorks on the final draft of the City of Wharton 2018-2028 Comprehensive Plan. City Manager Andres Garza, Jr. stated the PowerPoint presentation of the Final Draft of the City of Wharton 2018-2028 Comprehensive Plan at a future meeting. After some discussion, no action was taken.

The tenth item on the agenda was Public Hearing: Public comment on the City of Wharton 2018-2028 Comprehensive Plan. Community Development Director Gwyn Teves stated the Public Hearing would take place at the November 26th meeting of the Wharton City Council. After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider a resolution of the City Council of the City of Wharton, Texas, accepting the City of Wharton 2018-2028 Comprehensive Plan; and finding and determining that the meeting at which this resolution was passed was open to the public as required by law. City Manager Garza stated the item would be presented at a later meeting after the City Council had an opportunity to review the City of Wharton 2018-2028 Comprehensive Plan. After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider a request from The Lions Club for use of the Civic Center at no cost on February 16, 2019. City Manager Andres Garza, Jr. presented a copy of the request from Mr. David Schroeder, 1st Vice President of The Lions Club, requesting the use of the Civic Center at no cost on February 16, 2019 for the Lions Cabinet Meeting. City Manager Garza stated the City Staff was recommending that the request be treated like any other non-profit organization (Texana, Wharton Recovery Team, Rotary) and they be charged the non-profit fee as the other organizations. After some discussion, Councilmember Al Bryant move to deny The Lions Club's request to use the Civic Center at no cost on February 16, 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council accepting a Sanitary Sewer Easement Agreement between the City of Wharton and Mr. Penner and authorizing the Mayor of the City of Wharton to execute said agreement. City Manager Andres Garza, Jr. stated the City Staff met with Mr. Penner regarding a proposed Sanitary Sewer Easement Agreement and he had agreed to provide the City the necessary easement for the installation of a proposed sanitary sewer line for a \$2,000 payment. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution NO. 2018-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-85**

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A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A SANITARY SEWER EASEMENT AGREEMENT BETWEEN THE CITY OF WHARTON AND MR. PENNER AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to enter into a Sanitary Sewer Easement Agreement with Mr. Penner; and,

WHEREAS, The City of Wharton and Mr. Penner wish to be bound by the conditions as set forth in the said agreements; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Sanitary Sewer Easement Agreement with Mr. Penner.

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 the Sanitary Sewer Easement Agreement with Mr. Penner.

Section II. The City of Wharton and Mr. Penner are hereby bound by the conditions as set forth in said agreements.

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

Passed, Approved, and Adopted this 22nd day of October 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 fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton, Wharton County, Texas, to

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execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2018 to September 30, 2019 fiscal year. City Manager Andres Garza Jr. presented a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for the October 1, 2018 to September 30, 2019 fiscal year and a copy of a draft resolution approving the agreement. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-86**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2018 TO SEPTEMBER 30, 2019 FISCAL YEAR.

WHEREAS, The Wharton City Council hereby authorizes Mayor Tim Barker to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

WHEREAS, The City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees to be bound by the conditions as set forth in 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 authorizes Tim Barker, Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2018 to September 30, 2019 fiscal year.

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

Passed, Approved, and Adopted this 22nd day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Steve Schneider seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Mobile Food Vendors and Temporary Food Vendors:

A. **Ordinance:** An ordinance amending the City of Wharton Code of Ordinances, Chapter 42, Occupational Licenses, Taxes and Regulations, Article IV, Division 4-Mobile Food Vendors and Temporary Food Vendors, Sections 42-22 to 42-232; Providing that a violation of the Code of Ordinances or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for separability and setting an effective date.

B. **Resolution:** A resolution of the Wharton City Council authorizing an extension for Mobile Food Vendors issued a permit variance.

City Manager Andres Garza, Jr. stated that on November 27, 2017 the Wharton City Council approved an application submitted by Mr. Frank and Mrs. Julia Brown requesting a Mobile Food Vendor Permit Application allowing a Mobile Food Trailer to remain stationary at one location for the majority of the week with the option to travel to events for one year with a directive for City Staff to present a draft Ordinance. City Manager Garza presented a copy of the draft Ordinance and the draft resolution. He stated the City Council Finance Committee had met on Monday, October 22, 2018 and were recommending for City Council to consider approving the extension for Mobile Food Vendors issued a permit variance but allow City Staff to present an updated draft Ordinance at a future meeting. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Resolution No. 2018-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-87**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AN EXTENSION FOR MOBILE FOOD VENDORS ISSUED A PERMIT VARIANCE.

WHEREAS, The Wharton City Council wishes to authorize an extension for mobile food vendors issued a permit variance; and,

WHEREAS, The City council has issued variances for mobile food vendors; and,

WHEREAS, The City Staff is in the process of updating the Mobile Food Vendors and Temporary Food Vendors Ordinance; and,

WHEREAS, The Wharton City Council wishes to extend the permit variance for one (1) year until the new Mobile Food Vendors and Temporary Food Vendors Ordinance is adopted; and,

WHEREAS, All permits are hereby extended for one (1) year.

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

Section I. The Wharton City Council hereby extends the permit variance for one (1) year until the new Mobile Food Vendors and Temporary Food Vendors Ordinance is adopted.

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

Passed, Approved, and Adopted this 22nd day of October 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 sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for fuel services for the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract on behalf of the City of Wharton. City Manager Andres Garza, Jr. stated proposals for aviation fuel suppliers for the Wharton Regional Airport were received on October 19, 2018. City Manager Garza said the City Staff formed a committee composed of the City Manager, Finance Director and the Airport Manager to review and rate the proposals. Airport Manager David Allen stated the Committee had reviewed the proposals and were recommending the City Council consider approving a contract for fuel services with Eastern Aviation. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-88, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-88**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR FUEL SERVICES FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, The City solicited proposals for fuel suppliers for the Wharton Regional Airport; and,

WHEREAS, The City ranked the proposals and determined the best proposal was submitted by Eastern Aviation Fuels and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a three (3) year agreement with two (2) additional one (1) year terms with Eastern Aviation Fuels to provide fuel for the Wharton Regional Airport; and,

WHEREAS, The City of Wharton and Eastern Aviation Fuels wish to be bound by the conditions as set forth in 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 authorizes the Mayor of the City of Wharton, Texas to execute an agreement with Eastern Aviation Fuels for fuel services for the Wharton Regional Airport.

Section II. Eastern Aviation Fuels and the City of Wharton are hereby bound by the conditions as set forth in the agreement.

Section III. That the effect date of the agreement is November 1, 2018.

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

Passed, Approved, and Adopted this 22nd day of October 2018.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The seventeenth item on the agenda was to review and consider an application by Aprea Group L.L.C. D.B.A. Texas Critical Care for an Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Permit Application submitted by Aprea Group L.L.C. D.B.A. Texas Critical Care to provide emergency medical services in the City of Wharton and a copy of a memorandum from EMS Director John Kowalik to him informing him that Aprea Group L.L.C. D.B.A. Texas Critical Care was currently certified and in good standing with the Texas Department of State Health Services. City Attorney Paul Webb stated that it was his recommendation that the City Council consider approving the application. After some discussion, Councilmember Al Bryant moved to approve the application by Aprea Group L.L.C. D.B.A. Texas Critical Care for an Ambulance Provider Permit. Councilmember Steve Schneider seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of an engineering firm to prepare all preliminary and final design plans and specifications, and to conduct all necessary interim and final inspections for the 2019-2020 Community Development Block Grant Applications. City Manager Andres Garza, Jr. stated the City staff would advertise for engineering services to prepare all preliminary and final design plans and specifications, and to conduct all necessary interim and final inspections for the 2019-2020 Community Development Block Grant Applications. Community Development Director Gwyneth Teves would accept for proposals for engineering services on October 29th, 2018 with City Council approval. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-89, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-89**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF AN ENGINEERING FIRM FOR THE 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATIONS AND ESTABLISH THE CRITERIA OF SELECTION.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for engineering services to provide assistance and oversight for the 2019-2020 Community Development Block Grant Applications; and,

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WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Public Works Committee along with the City Manager and Public Works Director; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

WHEREAS, The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

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 the City Council Consultant Selection Committee.

Section II. That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Works Committee along with the City Manager and Public Works Director.

Section III. That the criteria as set forth in Attachment A is hereby approved.

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

Passed, Approved, and Adopted this 22nd day of October 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 nineteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of Notice of Intent (NOI) to the Texas Department of Emergency Management under the Hazard Mitigation Grant Program-Disaster Relief DR-4332 Hurricane Harvey on behalf of Wharton County Junior College and authorizing the Mayor to execute all documents relating to said Notice of Intent(s). City Manager Andres Garza, Jr. stated that on August 25, 2018 the United States President declared a major disaster (DR-4332) as a result of Hurricane Harvey which established the statewide availability of the Hazard Mitigation Grant Program (HMGP). City Manager Garza said the City of Wharton City Staff was requesting to issue Notices of Intents (NOI's) on behalf of Wharton County Junior College for emergency generators under DR-4332 and was seeking City Council permission for the submission of the NOI's. After some discussion,

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Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-90**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF NOTICE OF INTENT (NOI) TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT UNDER THE HAZARD MITIGATION GRANT PROGRAM – DISASTER RELIEF DR-4332 HURRICANE HARVEY ON BEHALF OF WHARTON COUNTY JUNIOR COLLEGE AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID NOTICE OF INTENT(S).

WHEREAS, On August 25, 2018 the United States President declared a major disaster (DR-4332) as a result of Hurricane Harvey which established the statewide availability of the Hazard Mitigation Grant Program (HMGP); and,

WHEREAS, The City of Wharton City Staff requests to issue Notices of Intent (NOI's) on behalf of Wharton County Junior College for emergency generators under DR-4332 and is seeking City Council permission for the submission of the NOI's; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff submit the NOI's on behalf of Wharton Junior College.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS;

Section I: That the Wharton City Council hereby approves the City Staff to submit Notices of Intent under the Texas Department of Emergency Management Hazard Mitigation Grant Program (DR-4332) Hurricane Harvey on behalf of Wharton County Junior College.

Section II: The Wharton City Council hereby authorizes the Mayor to execute all documents relating to the grant agreement.

Section III: That this resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 22nd day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Steve Schneider seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager to purchase three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program. City Manager Andres Garza Jr. presented a copy of a memorandum from Chief Terry Lynch requesting the replacement of three vehicles for the Wharton Police Department and draft resolution authorizing the City Manager to purchase three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program. Chief Lynch stated the purchase of all three (3) patrol vehicles totaling \$119,979.00 was budgeted for in the 2018-2019 year which was approved by City Council with the purchase price of \$40,120.00 for one (1) marked 2019 Chevrolet Tahoe and the purchase price of \$79,284.00 (\$39,442.00 each) for two (2) unmarked units. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-91, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-91**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) PATROL VEHICLES FROM CALDWELL COUNTRY THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM.

WHEREAS, The Wharton City Council has appropriated funds for the purchase of three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program; and,

WHEREAS, The City of Wharton is a member of and participates in the Buy Board Cooperative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase one (1) marked 2019 Chevrolet Tahoe in the amount of \$40,120.00 and two (2) unmarked units in the amount of \$79,284.00 (\$39,442.00 each) for a total cost of \$119,979.00 (including the added graphics) from Caldwell Country through Buy Board Cooperative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute the agreement related to the purchase of the vehicles.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase of one (1) marked 2019 Chevrolet Tahoe in the amount of \$40,120.00 and two (2) unmarked units in the amount of \$79,284.00 (\$39,442.00 each) for a total cost of \$119,979.00 (including the added graphics) from Caldwell Country through the

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Buy Board Cooperative Program.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the vehicles.

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

PASSED AND APPROVED this 22th day of October 2018.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twenty-first item on the agenda was to review and consider rescheduling the November 12, 2018 Regular City Council Meeting due to Veterans Day Holiday. City Manager Andres Garza, Jr. stated due to the Veterans Day Holiday, he was requesting the Mayor and City Council consider rescheduling the Regular City Council Meeting to November 13, 2018. After some discussion, Councilmember Al Bryant moved to approve rescheduling the Regular City Council Meeting to November 13, 2018 due to the Veterans Day Holiday. Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-second item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager of the City of Wharton to execute a Performance Agreement with Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with Texas Department of Transportation of approximately 89 acres of land along Highway US 59 at its intersection with FM 102 and Highway 60. City Manager Andres Garza, Jr. presented a copy of a letter from Wharton Economic Development Corporation Executive Director Chad Odom regarding the Municipal Maintenance Performance agreement that would fund the City's agreement with TxDOT for the Landscape and Maintenance Agreement the City had approved and a copy of the Wharton Economic Development Corporation agreement along with a resolution that would authorize the City Manager to execute the agreement on behalf of the City. After some discussion, Councilmember Steve Schneider moved to approve City of Wharton Resolution No. 2018-92, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2018 - 92

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE AGREEMENT WITH WHARTON ECONOMIC DEVELOPMENT CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, The Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along US Highway 59 at its intersection with FM 102 and Highway 60; and,

WHEREAS, The City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute the agreement; and,

WHEREAS, The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED and ADOPTED this 22nd day of October 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

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

The twenty-third item on the agenda was to review and consider was 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 twenty-fourth item on the agenda was the update of City of Wharton on-going Projects. Finance Director Joan Andel presented City Manager Andres Garza, Jr.'s memorandum dated October 18, 2018 providing an update on the City of Wharton current projects as of September 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 of Wharton was informed by the USACE that the federal legislation passed in Congress provided funding for the project. The City Staff is working with the Fort Worth District and Galveston District Office regarding the Project Participation Agreement (PPA) that must be signed by the City and the USACE. The USACE is developing the guidance on the process to move this project forward. The City is expecting the PPA 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.

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

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Council. The Public Works Department is working with the contractor for installation of the drainage pipes.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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.

The twenty-fifth item on the agenda was to review and consider appointments and 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, no action was taken.

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

- A. Public Works Committee meeting held October 8, 2018.
- B. Finance Committee meeting held October 8, 2018.

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After some discussion, no action was taken.

The twenty-seventh item on the agenda was City Manager's Reports:

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| 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-eighth item on the agenda was to review and consider a request from First Baptist Church for assistant in road blocks for their annual Harvest Fest on October 31, 2018. City Manager Andres Garza, Jr. presented the request from First Baptist Church for assistant in road blocks for their annual Harvest Fest on October 31, 2018. After some discussion, Councilmember Russell Machann moved to approve the request from First Baptist Church for assistant in road blocks for their annual Harvest Fest on October 31, 2018. Councilmember Don Mueller seconded the motion. All voted in favor.

The twenty-ninth 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