

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
APRIL 10, 2017**

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 Vincent Huerta 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, Vincent Huerta, 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, City Attorney Paul Webb, Public Works Director Wade Wendt, and Police Chief Terry Lynch.

Visitors present were: Wharton Economic Development Director Chad Odom, III, I.O. Coleman, Jr., Pastor Janice Blair, Thelma Hayes, Blanche Allen, Donna Gooden, James Scarlett Sr., Tiki Mashy, Bart Weghorst, Doug Soderstrom, Wharton County Sheriff Shannon Srubar, Steve Van Manen of Harrison, Waldrop & Uherek, LLP, Carlos Cotton, P.E. with Jones and Carter, Inc. 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. Ms. Thelma Hayes stated that she had placed limbs for pickup from Waste Corporation of America (WCA) on Wednesday and they were not picked up. Ms. Hayes stated that she contacted City Hall and was informed that her heavy trash and limb day was Friday in which she had lived at the same address for 26 years and never was informed that she had a heavy trash/limb day. Ms. Hayes also requested the reason that the West Side of Wharton did not have their sidewalks maintained with a weed eater by the City. Mr. Doug Soderstrom requested that the City Council consider extending the Sante Fe Walking Trail from Alabama Rd. to Old Lane City Rd. Mr. Soderstrom praised the City for the trail project stating that it was one of the nicer things it has done for its citizens. Dr. Janice Blair stated that she would like to see the West Side of Wharton give their evaluation of the City Manager.

The fourth item on the agenda was the Wharton Moment. Councilmember Terry Freese stated that the Wharton High School would be sending 11 students to the area track meet and 2

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students to regionals. Councilmember Don Mueller commented on the antique car club that that came to the City in droves over the weekend.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held March 13, 2017 and March 27, 2017. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held on March 13, 2017 and March 27, 2017. Councilmember Vincent Huerta 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, 2015 to September 30, 2016 by Harrison, Waldrop & Uherek, L.L.P. Mr. Steve Van Manen of Harrison, Waldrop & Uherek, LLP, the City Auditors, presented the City of Wharton Annual Financial Report for Fiscal Year October 1, 2015 to September 30, 2016. Finance Director Joan Andel stated that the City Council Finance Committee met to review the report with Mr. Van Manen and were recommending City Council consider approving the report. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Annual Financial Report for Fiscal Year October 1, 2015 to September 30, 2016. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider **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.

Mayor Barker moved the meeting into closed session at 7:22 p.m.

The eighth item on the agenda was to review and consider **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.

Mayor Tim Barker returned to open session at 7:34 p.m. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a request from Sheriff Srubar regarding the 287 (g) Program. City Manager Andres Garza, Jr. presented a request from Sheriff Srubar regarding the 287 (g) Program. Sheriff Shannon Srubar presented the 287 (g) Program to the City Council in which he discussed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 adding Section 287(g), performance of immigration officer functions by state officers and employees, to the Immigration and Nationality Act. Sheriff Srubar stated that the 287(g) program is one of ICE's top partnership initiatives, which

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allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement (MOA), in order to receive delegated authority for immigration enforcement within their jurisdictions. City Attorney Paul Webb stated that the City of Wharton would be interested in reviewing the Memorandum of Agreement (MOA) before committing to any agreement. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for Medical Director Services between Memorial Hermann Medical Group and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement on behalf of the City. City Manager Andres Garza, Jr. presented a copy of the draft agreement and resolution for Medical Director Services between the City of Wharton and Memorial Hermann Medical Group. Finance Director Joan Andel stated that the Group assigned Dr. Jeff Gubbels to be the physician to provide service and the effective date of the contract is May 1, 2017 and would extend for two years until May 1, 2019. Mrs. Andel said the City Council Finance Committee met on Monday, April 10, 2019 at 5:30 p.m. and were recommending the City Council consider approving the agreement. After some discussion, Russell Machann moved to approve City of Wharton Resolution No. 2017-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-39**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN MEMORIAL HERMANN MEDICAL GROUP AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

WHEREAS, The City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Memorial Hermann Medical Group and the City of Wharton for Medical Director Services for the Emergency Medical Service (EMS) Department; and,

WHEREAS, The City of Wharton and Memorial Hermann Medical Group wishes to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council and Memorial Hermann Medical Group wishes the agreement to become effective on May 1, 2017; 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 as follows:

Section I. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, the Medical Director Services Agreement with Memorial Hermann Medical Group for the City of Wharton Emergency Medical Services (EMS) Program.

Section II. That the City of Wharton and Memorial Hermann Medical Group are hereby bound by the conditions as set forth in the agreement which shall commence on May 1, 2017 and expire on April 30, 2019.

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

Passed, Approved, and Adopted this 10th day of April 2017.

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 the release of Drilling Bond Number 71S100753026-496 for Wharton No. 3 Well from Devon Energy Production Company, L.P. City Manager Andres Garza, Jr. presented a copy of the letter dated March 28, 2017 from Ms. Cynthia J. Chiba of Devon Energy Production Company, L.P. informing the City of the company's request to release the Company's Bond number 71S100753026-496 for Wharton No. 3 Well and a copy of a memo from City Secretary Paula Favors stating that as part of the City of Wharton Code of Ordinances, Chapter 50, Section 50-57(a) Such bond shall be in the sum of \$10,000.00; provided, however, that if, within two years after the drilling and completion of such well, no claims have been presented against the applicant or his assigns under the terms and conditions of such bond, the bond shall be terminated by the city council. (e) If any permit shall terminate and become inoperative as provided in [Section 50-64](#) or if the permittee or his assigns shall file with the City Council written notice of his election to surrender his permit and abandon the premises covered thereby, if no claims under the bond are filed within two years, the city secretary shall return the bond theretofore furnished by the permittee in connection with such permit. City Secretary Paula Favors stated the City Council approved an application submitted by Mr. Douglas Dahmann of Devon Energy Production Company, L.P. to obtain a permit to drill, complete and operate an oil and/or gas well within the City limits of Wharton, Texas on February 25, 2008 and since that time the Company had sold the property to Linn Energy, which does not currently have well on the location. After some discussion, Councilmember Don Mueller moved to approve the release of Drilling Bond Number 71S100753026-496 for Wharton No. 3 Well from Devon

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Energy Production Company, L.P. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider Wharton Economic Development Corporation Budget Amendment. City Manager Andres Garza, Jr. presented a copy of the amended Wharton Economic Development Corporation Budget. Mr. Chad Odom stated the amendments would include the cost of the Corporation's website redesign. After some discussion, Councilmember Al Bryant moved to approve the Wharton Economic Development Corporation Budget Amendment. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider City of Wharton Annual Budget Calendar for fiscal year 2017 – 2018. City of Wharton Finance Director Joan Anandel presented the proposed City of Wharton Budget Calendar for fiscal year 2017 – 2018. After some discussion, Councilmember Steven Schneider moved to approve the proposed City of Wharton Budget Calendar for fiscal year 2017-2018. Councilmember Al Bryant seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Wharton Sidewalk Accessibility and Historic Streetscape Project:

A. Pay Request No. 8 to M & C Fonseca Construction Co., Inc.

City Manager Andres Garza, Jr. presented pay request No. 8 in the amount of \$60,122.85 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. After some discussion, Councilmember Al Bryant moved to approve pay request No. 8 in the amount of \$60,122.85 from M & C Fonseca Construction Co., Inc. for the Wharton Sidewalk Accessibility and Historic Streetscape Project. Councilmember Steven Schneider seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Valhalla Water Well Rework Project:

A. Pay Request No. 1 from Weisinger, Incorporated.

City Manager Andres Garza, Jr. presented pay request No. 1 in the amount of \$2,375.00 from Weisinger, Incorporated for the Valhalla Water Well Rework Project. After some discussion, Councilmember Al Bryant moved to approve pay request No. 1 in the amount of \$2,375.00 from Weisinger, Incorporated for the Valhalla Water Well Rework Project. Councilmember Terry Freese seconded the motion. All voted in favor.

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

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City Manager Andres Garza, Jr. presented the list of persons serving on the various City Boards, Commissions and Committees. City Manager Garza stated there were still vacancies that need to be filled.

1. Appointments:
 - A. Building Standards Commission.
 - B. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held March 27, 2017.
- B. Wharton Airport Board meeting held April 4, 2017.

After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider Wharton Police Department:

- A. **Resolution:** A resolution of the Wharton City Council approving a Justice Assistance Grant (JAG) for 10 mobile data terminals for patrol vehicles and authorizing the Mayor of the City of Wharton to execute all documents related to said grant.

City Manager Andres Garza, Jr. presented a memorandum from Chief Terry Lynch regarding the submission of grant requests for the Wharton Police Department. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2017-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-40**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMITTAL OF AN APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG) FOR 10 MOBILE DATA TERMINALS FOR PATROL VEHICLES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton finds it in the best interest of the citizens of the City of Wharton, that the Mobile Data Terminals be operated for the FY2018 year; and,

WHEREAS, The Wharton City Council agrees to provide applicable matching funds for the said project as required by the DJ-Edward Byrne Memorial Justice Assistance Grant Program grant application; and,

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WHEREAS, The Wharton City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Wharton City Council assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, The Wharton City Council designates Mayor Tim Barker as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

Section I. The Wharton City Council approves submission of the grant application for the Victim Assistance Officer to the Office of the Governor

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, all documents related to said grant.

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

Passed, Approved, and Adopted this 10th day of April 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

B. Resolution: A resolution of the Wharton City Council approving a Homeland Security Grant (HSI) for Quick Response Mobile Command Post for Emergency Management and authorizing the Mayor of the City of Wharton to execute all documents related to said grant.

After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-41**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMITTAL OF AN APPLICATION FOR A HOMELAND SECURITY GRANT

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(HSI) FOR QUICK RESPONSE MOBILE COMMAND POST FOR EMERGENCY MANAGEMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton finds it in the best interest of the citizens of the City of Wharton, that the Mobile Quick Response Command Post be operated for the FY2018 year; and,

WHEREAS, The Wharton City Council agrees to provide applicable matching funds for the said project as required by the HS-Homeland Security Grant Program (HSGP) grant application; and,

WHEREAS, The Wharton City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Wharton City Council assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, The Wharton City Council designates Mayor Tim Barker as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

Section I. The Wharton City Council approves submission of the grant application for the Victim Assistance Officer to the Office of the Governor.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, all documents related to said grant.

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

Passed, Approved, and Adopted this 10th day of April 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

C. **Resolution:** A resolution of the Wharton City Council approving a Homeland Security Grant (HSI) for Surveillance Equipment for Critical Infrastructure and authorizing the Mayor of the City of Wharton to execute all documents related to said grant.

Chief Lynch stated that item C. would be brought back before the City Council at a later meeting.

D. **Resolution:** A resolution of the Wharton City Council approving a VOCA Grant – Victim’s Assistance Officer for Wharton Police Department - 80/20 match for three years and authorizing the Mayor of the City of Wharton to execute all documents related to said grant.

After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2017-42, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-42**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE SUBMITTAL OF AN APPLICATION FOR A VOCA GRANT- VICTIM’S ASSISTANCE OFFICER FOR THE WHARTON POLICE DEPARTMENT- 80/20 MATCH FOR THREE YEARS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton finds it in the best interest of the citizens of the City of Wharton, that the Victim Assistance Officer be operated for the FY2018 year; and,

WHEREAS, The Wharton City Council agrees to provide applicable matching funds for the said project as required by the Victims of Crime Act Formula Grant Program grant application; and,

WHEREAS, The Wharton City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Wharton City Council assures that the funds will be returned to the Office of the Governor in full; and,

WHEREAS, The Wharton City Council designates Mayor Tim Barker as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

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Section I. The Wharton City Council approves submission of the grant application for the Victim Assistance Officer to the Office of the Governor.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute, on behalf of the City of Wharton, all documents related to said grant.

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

Passed, Approved, and Adopted this 10th day of April 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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.

The meeting adjourned at 7:59 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary