

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 22, 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. Councilman Russell Machann led the opening devotion and Mayor Elect 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.

Councilmember absent was: Steven Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Public Works Director Wade Wendt, Police Sergeant Vinson Valdez, Community Development Coordinator Gwyn Teves, Airport Manager David Allen and City Attorney Paul Webb.

Visitors present were: Blanche Allen, Pastor Janice Blair, Mary A. Barnes, I.O. Coleman, Jr., Charlotte Bess, West Houston Crusiers, BOSS Famme Social Club, Gloria Smith, Carol Wootton, Field Representative with U.S. Congressman Blake Farenthold's Office, Chad Odom, Executive Director with Wharton Economic Development Corporation (WEDCo).

The second item on the agenda was Roll Call and Excused Absences. Councilman Russell Machann moved to excuse Councilman Steven Schneider. Councilmember Al Bryant seconded the motion. All voted in favor.

The third item on the agenda was to administer the Oath of Office to Elected Officials Councilmembers Al Bryant, Terry Freese and Russell Machann. City Attorney Paul Webb administered the oaths of office to Councilmembers Al Bryant, Terry Freese and Russell Machann.

The fourth item on the agenda appointment of Mayor Pro-Tem. After some discussion, Councilmember Al Bryant moved to appoint Councilmember Don Mueller as Mayor Pro-Tem. Councilmember Terry Freese seconded the motion. All voted in favor.

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

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The sixth item on the agenda was the Wharton Moment. Mayor Tim Barker stated that it was Emergency Medical Services (EMS) and Public Works Week and thanked the City of Wharton Emergency Medical Services (EMS) and the City of Wharton Public Works Department for their service and hard work for citizens of Wharton. City Manager Andres Garza, Jr. stated that he was thankful to be back to work after a medical leave of four weeks and thanked the Mayor, City Council and City employees for their concern for his health during his time off. Councilmember Russell Machann reported on a successful Freedom Festival that took place May 19th and 20th and stated more volunteers were needed to have the event grow and succeed. Councilmember Don Mueller thanked City Staff for their hard work organizing the 2nd Annual City of Wharton Employee's Softball and Chili Cook-off event. He stated it was a good time had by all.

The eighth item on the agenda was a Proclamation: Recognizing May as Motorcycle Awareness Month. Mayor Tim Barker read the Proclamation as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR
Proclamation**

- Whereas,** Motorcycle riding is a popular form of transportation and recreation for over two hundred thousand people across the state and millions across the nation; and,
- Whereas,** In an effort to make motorcycling in Texas a safer and more enjoyable sport, motorcycling organizations from around the state are now planning a collective venture to promote Motorcycle Awareness; and,
- Whereas,** The City of Wharton, wishes to promote the safety campaign of
The National Highway Traffic Safety Administration in their effort to ensure the safety and wellbeing of all; and,
- Whereas,** It is especially important that the citizens of Wharton and the State
of Texas be aware of motorcycles on the streets and highways and recognize the importance of motorcycle safety; and,
- Whereas,** The National Highway Traffic Safety Administration and the Motorcycle Safety Foundation have named May as Motorcycle Safety and Awareness Month.

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Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the month of May 2017 as

MOTORCYCLE AWARENESS MONTH

in the City of Wharton, Texas, and do hereby urge all the citizens to become aware of and support Motorcycle Awareness.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 22nd day of May, in the year of our Lord two thousand seventeen A.D.

Tim Barker
Mayor, City of Wharton

The eighth item on the agenda was to review and consider a presentation of Certificate to Mayor Pro-Tem Don Mueller for years of service as an elected official. Ms. Carol Wootton of Congressman Blake Farenthold's Office presented a certificate to Mayor Pro-Tem, Don Mueller, for his years of service as an elected official. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council recognizing the Lower Colorado River Authority (LCRA)'s Step Forward Day Grant for completion of the Harris Park Bathroom Renovation Project. City Manager Andres Garza, Jr. presented a copy of a resolution recognizing the Lower Colorado River Authority (LCRA)'s Step Forward Day Grant for completion of the Harris Park Bathroom Renovation Project. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2017-50, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-50**

A RESOLUTION OF THE WHARTON CITY COUNCIL RECOGNIZING THE LOWER COLORADO RIVER AUTHORITY (LCRA)'S STEPS FORWARD DAY GRANT FOR COMPLETION OF THE HARRIS PARK BATHROOM RENOVATION PROJECT.

WHEREAS, The LCRA Steps Forward program is a corporate employee volunteer program that launched in 2015; and,

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WHEREAS, More than 650 LCRA employees volunteered on more than 40 projects in 2017; and,

WHEREAS, The City of Wharton as awarded a Steps Forward Day Grant for the Harris Park Bathroom Renovation Project; and,

WHEREAS, The Wharton City Council wishes to thank the LCRA and the employees who volunteered their time for the project.

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

Section I. The Wharton City Council honors the LCRA Steps Forward program's volunteers.

Section II. The City of Wharton commends the LCRA on a job well done on the Harris Park Bathroom Renovation project which benefits the residents who utilize the park.

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

Passed, Approved, and Adopted this 22nd day of May 2017.

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 the City of Wharton Financial Report for the month of April 2017. Finance Director Joan Andel presented the financial report for the month of April 2017. Mrs. Andel stated that the TexPool balance for April as \$1,864,767.55 with an average monthly yield of .71%. She said the Prosperity Bank balance for April 2016 was \$4,859,189.88 with an average monthly yield of .25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the

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month of April 2017. Councilmember Don Mueller 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 approving the building of restroom facilities in certain City Parks and authorizing the City Manager of the City of Wharton to execute all documents related to said construction. City Manager Andres Garza, Jr. presented information for placement of restroom facilities in certain City Parks. City Manager Garza stated that the parks included Croom Park #1, Croom Park #2 and Guadalupe Park and that the City Council Parks and Recreation Committee met on May 16, 2017 and voted to recommend to the City Council to move forward with the construction of the restroom facilities. Councilmember Don Mueller stated his concerns of the location of the restroom facilities and the close proximity to resident's homes. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-51**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE BUILDING OF RESTROOM FACILITIES IN CERTAIN CITY PARKS AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONSTRUCTION.

WHEREAS, The City of Wharton wishes to place restroom facilities in three (3) City Parks; and,

WHEREAS, The three (3) parks for the new facilities include Croom #1, Croom #2 and Guadalupe Park; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents related to said approval.

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

Section I. The Wharton City Council hereby approves the placement of restroom facilities in Croom #1, Croom #2 and Guadalupe Park.

Section II. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to said construction.

Section III. This resolution shall become effective immediately upon its passage.

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Passed, Approved, and Adopted this 22nd day of May 2017.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider 2016 Annual Drinking Water Quality Report (Consumer Confidence Report).

- A. Setting the Public Hearing Date
- B. Dissemination of Consumer Confidence Report.

City Manager Andres Garza, Jr. stated that the City of Wharton was required by the Texas Commission on Environmental Quality to provide its water customers copies of the Annual Drinking Water Quality Report (Consumer Confidence Report) (CCR) on a yearly basis to keep customers informed as to the quality of the water supply.

- A. A public meeting is required and the City Staff is requesting City Council approval to hold the public meeting on Wednesday, June 14, 2017 at 6:00 p.m. at City Hall to allow an opportunity for citizens to ask questions regarding the report. The deadline to submit the required documentation to TCEQ is June 30th.
- B. Attached is a memo from Finance Director Joan Andel regarding the dissemination of the Consumer Confidence Report.

Finance Director Joan Andel requested the City Council consider Wednesday, June 14, 2017 at 6:00 p.m. at City Hall to allow an opportunity for citizens to ask questions regarding the report. After some discussion, Councilmember Russell Machann moved to approve afore mentioned items A. and B. and set the public meeting for Wednesday, June 14, 2017 at 6:00 p.m. at City Hall to allow an opportunity for citizens to ask questions regarding the report. Councilmember Vincent Huerta seconded the motion. All voted in favor.

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The thirteenth item on the agenda was to review and consider update of City of Wharton Grant Programs. City Manager Andres Garza, Jr. presented a copy of the memorandum dated April 17, 2017 providing an update on the City of Wharton current projects. Community Development Coordinator Gwyn Teves presented the update on the City of Wharton current projects. After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider update of City of Wharton on-going projects. City Manager Andres Garza, Jr. presented a copy of the memorandum dated May 17, 2017 providing an update on the City of Wharton current projects.

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>.

On December 14, 2015, the City Council authorized the Wharton Levee Sump Study with Halff and Associates to determine what components of the Wharton Flood Reduction Project (Levee Project) could be undertaken to move this project forward. The City Staff met with Mr. Levi Hein P.E. of Halff and Associates Fort Worth Office to kick-off the study. The firm has begun the study and the City Staff will be working with them to formulate a plan for funding consideration by the U.S. Corp of Engineers and other funding agencies. Once developed it will be presented to the City Council Public Works Committee for a formulation of a recommendation to the City Council. Also, the City Council authorized the submission of a Clean Water Project Information Form (CWPIF) to the Texas Water Development Board for some possible funding.

DRAINAGE:

1. Santa Fe Outfall Channel.

The Public Works Department has finished excavation of the channel. During the month of January, routine maintenance was done on the Channel. The channel is slowly increasing in grass cover which is allowing several eroded areas to heal themselves over time. The Public Works Department has installed grade stabilization structures to eliminate erosion thereby reducing or eliminating the need to reshape the channel areas with active erosion. The Public Works Department will be installing additional grade stabilization structures or pipe drops along the channel. These structures are part of the original engineering design and not only control erosion but are helping to improve drainage in the city by serving as the outfall for water that has been redirected to the Santa Fe Channel. Work on property owners land is now complete.

2. 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.

3. Ahldag Ditch Improvement.

The project was approved in the 2013 Bond Program. Public Works Director is currently working out the details.

4. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

5. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.

The project area is currently being surveyed for the necessary improvements.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Alabama Street Sewer Line Project.

After the bid was rejected as a combined project, the City Staff proposed to submit to the Texas Department of Agriculture for the 2015-2016 Texas Community Development Block Grant for funding of the Rust 2, 3 and 4 Addition sewer lines along with lateral lines.

The application was submitted prior to the application deadline. The City Staff is waiting for a decision on this application. An announcement is expected by early summer.

3. Wastewater Treatment Plant No. 1 Improvement Project.

The project is moving forward. Updates are being provided by Jones & Carter on a monthly basis when pay request are sent.

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.

2. I-69 Project.

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- TxDOT will hold a public hearing in the next few weeks regarding the environmental requirements for the project in Wharton County.
3. **NanYa Exit Ramp Project.**
The City has submitted its request to TxDOT on proceeding with the changes to the NanYa exit ramp that would accommodate the turn around that Buc-ees has agreed in principle to contribute to see the project materialize. The City is awaiting TxDOT's response.
 4. **2016 City Street Improvements.**
The City staff is preparing a list of the streets to present to the City Council for approval.
 5. **Wharton Sidewalk Accessibility and Historic Streetscape Project.**
At the March 28, 2016 City Council meeting an agreement with Fonseca Construction was approved pending concurrence with TxDOT. All information was submitted to TxDOT, the City is awaiting their response to complete the execution of the construction contract.

WHARTON REGIONAL AIRPORT

1. **Hangar Construction Project.**
BLS Construction was awarded the construction contract by TxDOT Aviation Division and the project has been completed. The City Staff is working with Strand Engineering on the construction program.

After some discussion, no action was taken.

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

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held May 4, 2017.
- B. Finance Committee meeting held May 8, 2017.
- C. Beautification Commission meeting held on May 10, 2017.

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After some discussion, no action was taken.

The seventeenth 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 eighteenth item on the agenda was to review and consider City Entrance Sign Project:

A. **Resolution:** A resolution of the Wharton City Council authorizing the execution of a Gateway Monument Agreement with Texas Department of Transportation for a City Entrance Sign and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

City Manager Andres Garza, Jr. stated that the Public Works Committee met on November 21, 2016 and voted to recommend to the City Council the submittal of the necessary permits to TxDOT for placement of the signs. City Manager Garza presented a draft resolution and draft agreement authorizing the submission of the agreement. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2017-52, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2017-52**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE EXECUTION OF A GATEWAY MONUMENT AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR A CITY ENTRANCE SIGN AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The State owns and maintains a system of highways in Wharton County, and;

WHEREAS, The State agrees to allow for the construction of a Gateway Monument within the State's right of way; and,

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WHEREAS, The Wharton City Council wishes to execute and agreement with Texas Department of Transportation for a City of Wharton Entrance Sign; and,

WHEREAS, The City of Wharton and Texas Department of Transportation wish 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 the agreement on behalf of the City of Wharton.

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, Texas, to execute an agreement with Texas Department of Transportation.

Section II. The City of Wharton and Texas Department of Transportation are hereby bound by the conditions as set forth in the agreement.

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

PASSED, APPROVED, and ADOPTED this 22nd day of May 2017.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The nineteenth item on the agenda was City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his City Manager Travel Reimbursement. After some

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discussion, Councilmember Don Mueller moved to approve the City Manager Travel Reimbursement. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The twenty item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Vincent Huerta seconded the motion. All voted in favor.

The meeting adjourned at 7:41 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary