

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JANUARY 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. Pastor Janice Blair 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 and Steven Schneider.

Councilmembers absent were: Don Mueller and Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, Assistant to the City Manager Brandi Jimenez, Community Development Coordinator Gwyneth Teves and Public Works Director Wade Wendt.

Visitors present were: Pastor Janice Blair, Blanche Allen, Charlotte Bess, Mary A. Barnes and Irene Bellingham.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmember Don Mueller and Councilmember Russell Machann. Councilmember Steve Schneider seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Ms. Irene Bellingham stated that she owned two homes across the street from City Hall in which she had remodeled. She said that a home adjacent to her property was overrun with varmints and trash. Ms. Bellingham request the City Council consider helping with the issue since she had been unable to resolve the issue by contacting the City Code Enforcement Department.

The fourth item on the agenda was the Wharton Moment. Mayor Tim Barker stated that Mr. William "Willie" Harrison had passed away. Mayor Barker gave his condolences to the family and stated Mr. Harrison would be missed.

The fifth item on the agenda was to review and consider City of Wharton Municipal Election 2018:

Ordinance: An ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time and place of the election, Notice of the Election, Filing Applications; Drawing

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for Ballot Positions, Use of Accessible Voting System, Appointment of Election Workers, Early Voting and Making Election Returns.

Una ordenanza ordenando una elección de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el propósito de elegir puestos de concejales; asignando la fecha, Horas, Y presentación de solicitudes, sorteo para lugares en la balota, uso de sistema de votación accesible, Nombramiento de los trabajadores de la elección, votación anticipada, Y entrega de los resultados de la elección.

City Secretary Paula Favors presented a draft copy of the ordinance, in English and Spanish versions as required by law, ordering a City's Officer's Election to be held as a joint election with the Wharton County Elections Department. Mrs. Favors stated that the City Council positions that are up for election are four (4) City Council positions, which were Mayor At-large, District No.'s 2, 4, & 6 At-Large. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Ordinance No. 2018-02, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2018-02**

AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF MAYOR AND COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

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Joint Election

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

Position

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Mayor – At Large
Councilmember – District No. 2
Councilmember - District No. 4
Councilmember at Large - Place No. 6

Date

An election shall be held in the City of Wharton, Texas, on **May 5, 2018**.

Time

The polls shall open for voting at **7 a.m.** and shall close at **7 p.m.**

Location

The election shall be held at the Wharton Civic Center – Duncan Auditorium, 1924 N. Fulton St., Wharton, Texas.

Notice of City Officers' Election

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

Eligibility to Vote

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The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

Candidate Names

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

Filing

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 17, 2018** and continuing through **5:00 p.m. on February 16, 2018**. A declaration of write-in candidacy must be filed not later than 5:30 P.M. on **February 20, 2018**.

Candidates for City Councilmember must designate the position filed for either Mayor – At Large, Councilmember – District No. 2, Councilmember - District No. 4 or Councilmember at Large - Place No. 6.

Drawing for Ballot Positions

On February 22, 2018 at 10:00 a.m., a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

Ballots

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

Accessible Voting System

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

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The Office of the Texas Secretary of State has certified that the iVotronic (DRE) voting machines is an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032, if needed.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the iVotronic (DRE) voting machines as approved by the Secretary of State to comply with HAVA requirements.

Elections Recording Management Tabulation System

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

Election Officers

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge, alternate judge and clerks, pursuant to the Joint Election Agreement.

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

Early Voting

Wharton County Elections Administrator is Cindy Richter appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at the Wharton County Annex D, Suite 115, E. Milam, Wharton, Texas. The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours of **8 a.m.** and **5 p.m.**, beginning on **April 23, 2018** and continuing through **April 27, 2018; Monday, April 30, 2018** and continuing through **Tuesday, May 1, 2018** between the hours of **7 a.m.** to **7 p.m.**

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Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

Early Voting Ballot Board

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

Compensation for Election Officials and Clerks

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the May 5, 2018 General Election shall be paid \$9.00 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the May 5, 2018 General Election shall be paid \$8.50 per hour.

The Election Clerk(s) for the May 5, 2018 General Election shall be paid \$8.50 per hour.

Writ of Election

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

Returns

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the 11th day after the election day." The period for official canvass shall be from May 8 - 16, 2018. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

Order

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

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Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on this 22nd day of January, 2018.

CITY OF WHARTON, TEXAS

ATTEST:

By: _____
Tim Barker
Mayor

Paula Favors
City Secretary

APPROVED AS:

Paul Webb
City Attorney

**CIUDAD DE WHARTON, TEXAS
ORDENANZA N° 2018-02**

UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE ALCALDE Y CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCION.

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El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:

“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias para elegir concejales el primer sábado de mayo de cada año. En la elección regular de cada año par, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada año impar, los votantes elegirán tres (3) concejales. El alcalde y los concejales desempeñarán sus puestos durante el periodo de tiempo y en los lugares numerados según se establece en el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o de una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso y ofrecer todos los medios para realizar tales elecciones especiales”

Elección conjunta

El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.

Puesto

Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:

Alcalde: de forma irrestricta
Concejal - Distrito No. 2
Concejal – Distrito No. 4
Concejal de forma irrestricta – Posición No. 6

Fecha

Se celebrará una elección en la ciudad de Wharton, Texas, el **5 de mayo de 2018.**

Horas

Los lugares de votación abrirán para votar a las **7:00 a.m.** y se cerrarán a **las 7:00 p.m.**

Lugar

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La elección se celebrará en el Auditorio Duncann del Centro Cívico de Wharton, 1924 N. Fulton Street, Wharton, Texas.

Aviso de elección de oficiales municipales

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde también anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

Elegibilidad para votar

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

Nombres de los candidatos

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

Período de presentación

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **17 de enero de 2018** y continuando hasta las **5:00 de la tarde** del **16 de febrero de 2018**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:30 de la tarde del **20 de febrero de 2018**.

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Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para Alcalde de forma irrestricta, para concejal- Distrito No. 2, concejal - Distrito No. 4, concejal - Distrito No. 6 de forma irrestricta.

Sorteo para los lugares en las balotas

El 22 de febrero de 2018, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

Balotas

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

Sistema de votación Accesible

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1º de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación iVotronic (DRE) son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032, si fuera necesario.

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La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación iVotronic (DRE) según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

Sistema de Administración de la Tabulación de los Registros

La Ciudad de Wharton arrendará o alquilará del condado la (ERM) (Administración de Registros de Elecciones) con los propósitos de tabulación, si fuera necesario.

Oficiales de la elección

El Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno, de acuerdo con el Acuerdo de Elección Conjunta.

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que el juez presidente y el juez presidente alterno nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

Votación anticipada

La administradora interina de elecciones del Condado de Wharton es Cindy Richter y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarías de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en el Anexo D del Condado de Wharton, Sala 115, E. Milam, Wharton, Texas. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **23 de abril de 2018** y continuando hasta **abril 27 de 2018** inclusive; el lunes **30 de abril de 2018** y continuando el martes, **1 de mayo de 2018** desde las **7:00 de la mañana a las 7:00 de la noche**.

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Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

Junta de Balotas de la Votación Anticipada

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

Compensación para los Oficiales y los Secretarios de la Elección

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 5 de mayo de 2018 será remunerado a \$9.00 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alerno para la elección general del 5 de mayo de 2018 será remunerado a \$8.50 por hora.

Los secretarios de la elección para la elección general del 5 de mayo de 2018 serán remunerados a \$8.50 por hora.

Oficio de Elección

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

Resultados

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“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 8 hasta el 16 de mayo de 2018. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones de Texas.

Orden

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

Divisibilidad

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes de esta.

Promulgación y Aprobación

PASADO Y APROBADO por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 22 de enero de 2018.

CIUDAD DE WHARTON, TEXAS ATESTIGUACIÓN:

Por: _____

Tim Barker
Alcalde

Por: _____

Paula Favors
Secretaria Municipal

APROBADO:

Paul Webb
Abogado Municipal

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

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The sixth item on the agenda was the City of Wharton Finance Report for December 2017. Finance Director Joan Andel presented the financial report for the month of December 2017. Mrs. Andel stated that the TexPool balance for December as \$78,941.85 with an average monthly yield of 1.176%. She said the Prosperity Bank balance for December 2017 was \$4,488,733.77 with an average monthly yield of .15%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of December 2017. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request from Team Wharton, Inc., for the City to deed land to the Wharton Boys & Girls Club Inc. City Manager Andres Garza, Jr. presented request from Ms. Abby King, Managing Partner for Team Wharton, Inc., to donate City owned land back to the Wharton Boys & Girls Club, Inc. City Manager Garza stated that the land to be donated back would be under the buildings at the Boys and Girls Club of Wharton and any surrounding land that the Club sits on. Community Development Coordinator Gwyn Teves stated that the purpose of this donation back would help increase their chances in receiving more grant income by showing a stronger balance sheet. City Manager Garza stated that the City Attorney Paul Webb was researching the legal requirements in accordance with State Law and City's Charter and would be providing a legal opinion on whether the City can make said transfer of property. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a request from the Wharton Youth Soccer League for assistance in finding land for new soccer fields. City Manager Andres Garza, Jr. stated that on January 4, 2018, the City Staff met with Wharton Youth Soccer League Representative Kristina Butler, regarding assistance from the City of Wharton to help find land for new soccer fields. Community Development Coordinator Gwyn Teves stated that the Parks and Recreation Committee met on January 22, 2018 and would be working to assist Ms. Butler with new soccer field options. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider Wharton Economic Development Corporation:

A. Wharton Economic Development Corporation Resolution No. 2017-07.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Resolution No. 2017-07. City Manager Garza stated it was the second reading of the resolution. After some discussion, Councilmember Al Bryant moved to approve the second reading of the Wharton Economic Development Corporation No. 2017-07. Councilmember Terry Freese seconded the motion. All voted in favor.

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The tenth item on the agenda was to review and consider City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Al Bryant moved to approve the City Manager Travel Reimbursement request. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider Pay Requests from Ceres Environmental. City Manager Andres Garza, Jr. presented the following Pay Requests from Ceres Environmental for debris removal services from Ceres Environmental:

- No. 18 in the amount of \$9,183.86
- No. 19 in the amount of \$22,989.40
- No. 20 in the amount of \$84,376.73

Community Development Coordinator Gwyn Teves stated that total amount of \$116,549.99 was being requested from Ceres Environmental. After some discussion, Councilmember Al Bryant moved to approve Pay Requests from Ceres Environmental in the amount of \$116,549.99. Councilmember Steve Schneider seconded the motion. All voted in favor.

The twelfth 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 a memorandum dated January 17, 2018, from Community Development Coordinator, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The thirteenth 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 January 17, 2018 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>. 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. The City has also submitted a request for a Project Partnership Agreement (PPA) to allow the City to proceed on the partial construction of the project to the U.S. Corp of Engineers. The City had received a response, however it

is coordinating with the U.S. Corp of Engineers Ft. Worth District Office a path forward. Also, there has been some federal legislation being considered in Congress that may provide some funding for the project. The City Staff is working with the Fort Worth District Office regarding the proposed legislation.

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. Two (2) of the four (4) property owners have executed the drainage agreements and have been accepted by the City Council. The remaining two (2) property owners have been contacted and the City Staff has been waiting for a response.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Alabama Street Sewer Line Project.

The bid has been awarded to JTM Construction and the construction phase has been completed. The City Staff and company will be conducting the final work through to finalize the project.

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 City Street Improvements.**

The City 2017 Street Improvement Program was approved by the City Council. The project has been placed on hold due to Hurricane Harvey flooding event. The City Staff is evaluating a restart date. It is anticipated that a April 15, 2015 state date, also the City is submitting several street to FEMA for repair.

5. **Wharton Sidewalk Accessibility and Historic Streetscape Project.**

M.C. Fonseca Construction finished the project. Final payment has been approved by the City Council on October 16, 2017.

After some discussion, no action was taken.

The fourteenth 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. City Council Committees.

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider City Council Boards, Commission and Committee Report:

- A. Beautification Commission meeting held January 10, 2018.

After some discussion, no action was taken.

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

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department /
- H. Fire Marshall.
- I. Legal Department.
- J. Municipal Court.

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| Civic Center. | K. Police Department. |
| D. Emergency Management. | L. Public Works Department. |
| E. E.M.S. Department. | M. Water / Sewer Department. |
| F. Facilities Maintenance Department /
Wharton Municipal Pool. | N. Weedy Lots / Sign Ordinance. |
| G. Fire Department. | O. Wharton Regional Airport. |

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider the Lower Colorado River Authority for the 2018 Community Development Partnership Grant Program:

- A. **Resolution:** A resolution of the Wharton City Council authorizing the submission of an application to the to the Lower Colorado River Authority for the 2018 Community Development Partnership Grant Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission.

City Manager Andres Garza, Jr. stated that the LCRA and its wholesale electric customers award grants of up to \$50,000 to worthy community projects through the Community Development Partnership Program. City Manager Garza said the grants help local governments, emergency responders and nonprofit organizations fund capital improvement projects that might otherwise not be possible and Grant-funded projects must be located within LCRA's service area. He said the grants were awarded twice a year to volunteer fire departments, emergency responders, cities and counties, schools, libraries, civic groups, museums, and other nonprofit organizations. Community Development Coordinator Gwyn Teves stated that the City Staff met to discuss a project(s) that could be identified for this grant application and were recommending that a funding request be submitted for the Fire and Police Departments. Mrs. Teves said the Fire Department was requesting improvements to the training facility and the Police Department was requesting improvements to the Firing Range. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-05, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018 - 05**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE LOWER COLORADO RIVER AUTHORITY FOR THE 2018 COMMUNITY DEVELOPMENT PARTNERSHIP GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

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WHEREAS, The City of Wharton City Council wishes to submit an application to the Lower Colorado River Authority for the 2018 Community Development Partnership Grant Program; and,

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

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

SECTION I. The Wharton City Council hereby approves the submittal of the application to the Lower Colorado River Authority for the 2018 Community Development Partnership Grant Program.

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

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

PASSED, APPROVED, and ADOPTED this 22nd day of January 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 eighteenth item on the agenda was adjournment. There being no further discussion, Councilmember Al Bryant moved to adjourn. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 7:34 p.m.

CITY OF WHARTON, TEXAS

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By: _____

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary