

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
FEBRUARY 11, 2019**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Alice Heard-Roberts, Russell Machann and Steve Schneider.

Councilmember absent was: Don Mueller.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, City Attorney Paul Webb, Interim Public Works Director Robert Ewart and Community Development Director Gwyn Teves.

Visitors present were: Isaiah Coleman, Kristina Butler, April Roberson and Albert Villegas with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Don Mueller. Councilmember Terry Freese seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. Mr. Isaiah Coleman stated issues with all railroad crossing in the City in which most vehicles have to come to a complete stop before going over. Mr. Coleman said it was important to vote early. Mrs. Kristian Butler and Mrs. April Roberson thanked the City Council for their role in assisting the Wharton Youth Soccer Club and presented them with a plaque.

The fourth item on the agenda was the Wharton Moment. City Manager Andres Garza, Jr. congratulated City Secretary Paula Favors on earning her recertification through the Texas Municipal Clerks Association and EMS Director John Kowalik on his appointment to the Southeast Texas Regional Advisory Committee – Pre-Hospital Committee.

The fifth item on the agenda was to review and consider reading of the minutes from regular meetings held January 14, 2019 and January 28, 2019. City Manager Andres Garza, Jr. presented a draft copy of the minutes from the regular meetings on January 14, 2019 and January 28, 2019. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meetings held on January 14, 2019 and January 28, 2019. Councilmember Russell Machann seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by the Wharton County Long Term Recovery Team for a variance to place a travel trailer at 312 Boatwright while home was being repaired. Community Development Director Gwyn Teves stated the Wharton Long Term Recovery Team was requesting a variance for a travel trailer to be placed at 312 Boatwright for the resident and 3 children to stay in while the home was being repaired. After some discussion, Councilmember Al Bryant moved to approve the request by the Wharton County Long Term Recovery Team for a variance to place a travel trailer at 312 Boatwright while home was being repaired for a period of six months which would end of August 11, 2019. Councilmember Steve Schneider seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submittal of a Letter of Support to Texas Department of Transportation for a Permit to Construct Access Driveway Facilities on Highway 60 and FM 1301 Right of Way. City Manager Andres Garza, Jr. presented a copy of the application submitted by Mr. Juan Castillo, P.E. CAS Consultants, LLC, to TxDOT for the construction of an access driveway on highway right of way. Community Development Director Gwyn Teves stated that Mr. Jeff Vinklarek, Director of Transportation Planning and Development– Yoakum District stated that the company had received preliminary approval for the proposed driveway, however it had expired and in order to renew, TxDOT was requesting the City's Letter of Support on the permit so they can issue the permit. Mrs. Teves said the Public Works Committee had met on February 5, 2019 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-18, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-18**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMITTAL OF A LETTER OF SUPPORT TO TEXAS DEPARTMENT OF TRANSPORTATION FOR A PERMIT TO CONSTRUCT ACCESS DRIVEWAY FACILITIES ON HIGHWAY 60 AND FM 1301 RIGHT OF WAY.

WHEREAS, Mr. Juan Castillo, P.E. CAS Consultants, LLC submitted a permit to TxDOT for the construction of an access driveway on highway right of way; and;

WHEREAS, The Permit to Construct Access Driveway Facilities is on Highway 60 and FM 1301 Right of Way for a gas station, and;

WHEREAS, Texas Department of Transportation-Yoakum District received preliminary approval for the proposed driveway, but it had expired; and,

WHEREAS, To renew the permit TxDOT is requesting the City's Letter of Support; and,

WHEREAS, The Wharton City Council wishes to authorize the Letter of Support to Texas Department of Transportation for the Permit to Construct Access Driveway Facilities.

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

Section I: The Wharton City Council hereby approves the submittal of the Letter of Support to Texas Department of Transportation for the Permit to Construct Access Driveway Facilities on Highway 60 and FM 1301.

Section II: The Wharton City Council hereby authorizes the Mayor of the City of Wharton to submit the Letter of Support.

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 11th day of February 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a Deed of Gift from Wharton Industrial Foundation:

- A. Deed of Gift between the City of Wharton and the Wharton Industrial Foundation, Inc. for a 2.7-acre tract of land along Peach Creek.
- B. **Resolution:** A resolution of the Wharton City Council accepting a deed of gift from the Wharton Industrial Foundation and authorizing the Mayor of the City of Wharton to execute all documents related to said deed.

City Manager Andres Garza, Jr. stated the City Council Public Works Committee met on Tuesday, February 5, 2019 and was recommending to the City Council to accept the Deed of Gift. City Manager Garza presented a draft resolution accepting the Deed of Gift and authorizing the Mayor to sign the deed. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-16, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-16**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DEED OF GIFT FROM THE WHARTON INDUSTRIAL FOUNDATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID DEED.

WHEREAS, The Wharton Industrial Foundation wishes to donate a 2.7 acres tract of land, situated in the A. Jackson Timber League, Abstract No. 34, Wharton County, Texas to the City of Wharton; and,

WHEREAS, The City of Wharton wishes to accept said parcel from The Wharton Industrial Foundation; and,

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

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 accepts the following parcel from The Wharton Industrial Foundation:
1. A 2.7 acres tract of land, situated in the A. Jackson Timber League, Abstract No. 34, Wharton County, Texas.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said deed.

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

PASSED, APPROVED and ADOPTED this 11th day of February 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Al Bryant seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council renewing the contract for FEMA public assistance and long-term community recovery consultant services with Collaborative Communities and authorizing the Mayor of the City of Wharton to execute all documents related to said renewal. City Manager Andres Garza, Jr. stated the City Staff was recommending that the contract with Collaborative Communities be renewed for another year as per the terms of the contract originally signed January 8, 2018 for FEMA Public Assistance and Long-Term Community Recovery Consulting Services. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-15, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-15**

A RESOLUTION OF THE WHARTON CITY COUNCIL RENEWING THE CONTRACT FOR FEMA PUBLIC ASSISTANCE AND LONG-TERM COMMUNITY RECOVERY CONSULTANT SERVICES WITH COLLABORATIVE COMMUNITIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RENEWAL.

WHEREAS, The Wharton City Council wishes to renew the contract for FEMA Public Assistance and Long-Term Community Recovery consulting services with Collaborative Communities for one year; and,

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

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said renewal.

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 a renewal of contract with Collaborative Communities for FEMA Public Assistance and Long-Term Community Recovery consulting services.

Section II. The City of Wharton and Collaborative Communities 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 11th day of February 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a resolution of the City Council of Wharton, Texas, authorizing the submission of a Texas Community Block Grant to the Texas Department of Agriculture for the 2019-2020 Community Development Block Grant Fund and authorizing the Mayor to act as the City's Executive Office and authorized representative in all matters pertaining to the City's participation in the Texas Community Development Block Grant Program. City Manager Andres Garza, Jr. stated the City Staff was seeking Council approval in the execution of a revised resolution that authorizes submission of an application to the Texas Department of Agriculture for a 2019-20 Texas Community Development Block Grant Program – Community Development Fund grant of up to \$350,000 to construct citywide sewer system improvements and designates the Mayor as the City's authorized signatory. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-14, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-14**

A RESOLUTION OF THE CITY COUNCIL OF WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, The City Council of the City of Wharton, TX desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and,

WHEREAS, Certain conditions exist which represent a threat to the public health and safety; and,

WHEREAS, It is necessary and in the best interests of the City of Wharton, TX to apply for funding under the Texas Community Development Block Grant Program.

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

- Section I.** That a Texas Community Development Block Grant Program application for the 2019-2020 Community Development Block Grant Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
- Section II.** That the City's application be placed in competition for funding under the 2019-2020 Community Development Block Grant Fund.
- Section III.** That the application be for \$350,000 of grant funds to provide city-wide sewer system improvements throughout Wharton.
- Section IV.** That the City Council directs and designates the Mayor as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City's participation in the Texas Community Development Block Grant Program.
- Section V.** That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.
- Section VI.** That it further be stated that Wharton, TX is committing \$105,000 from its Sewer Fund as a cash contribution toward the application activities of this city-wide sewer system improvements project.
- Section VII.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 11th day of February 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider a request by the City of Wharton for variance to build over property line at Harrison, Blk 2, Lot 11A, 11B. City Manager Andres Garza, Jr. stated the City of Wharton was requesting a variance to build over the lot line on the

property for residential housing to be built by the Mennonite Disaster Service in conjunction with the Wharton Housing Finance Corporation. Community Development Director Gwyn Teves presented the request for variance and property information. After some discussion, Councilmember Al Bryant moved to approve the request by the City of Wharton for variance to build over property line at Harrison, Blk 2, Lot 11A,11B. Councilmember Steve Schneider seconded the motion. All voted in favor.

The twelfth a resolution of the Wharton City Council authorizing the submission of an application to the Rebuild Texas Fund for the 2019 Preparedness Grant Round and authorizing the Mayor to execute all documents relating to said agreement. City Manager Andres Garza, Jr. stated the Rebuild Texas Fund was dedicating \$1,500,000 in grant funding to help communities affected by Hurricane Harvey to prepare for future hurricane seasons. Community Development Director Gwyn Teves stated the pre-proposal applications for funding were due by February 18, 2019, full proposal applications were due by March 15, 2019 and decision notifications would be made by April 2019. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-17, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 - 17**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE
SUBMISSION OF AN APPLICATION TO THE REBUILD TEXAS FUND FOR THE 2019
PREPAREDNESS GRANT ROUND AND AUTHORIZING THE MAYOR OF THE CITY
OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.**

WHEREAS, The City of Wharton City Council wishes to submit an application to the Rebuild Texas Fund for the 2019 Preparedness Grant Round; 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 Rebuild Texas Fund for the 2019 Preparedness Grant Round.

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 11th day of February 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.072 and 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:** Acquisition of Real Property-Wharton Flood Reduction Project-Levee.
- B. **Discussion:** Appointment of Public Works Director

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

The fourteenth item on the agenda was to review and consider action on items discussed in Executive Session:

Mayor Tim Barker returned to open session at 7:56 p.m.

- A. **Review & Consider:** Acquisition of Real Property-Wharton Flood Reduction Project-Levee.
- B. **Review & Consider:** Appointment of Public Works Director

After some discussion, no action was taken.

The fifteenth item on the agenda was to review and consider Pay Request No. 1 and Final from JTM Construction, LLC for the Mahan/Kinkaid/Delmas Street Drainage Project. City Manager Andres Garza, Jr. presented payment request to pay the amount of \$27,100.00 for the Mahan/Kinkaid/Delmas Street Drainage Project and a memorandum to him from Interim Public Works Director Robert Ewart. Community Development Director Gwyn Teves stated that City Staff and Scheibe Consulting were recommending the City Council consider approving the Pay Request No. 1 and Final in the amount of \$27,100. After some discussion, Councilmember Russell Machann moved to approve Pay Request No. 1 and Final from JTM Construction, LLC for the Mahan/Kinkaid/Delmas Street Drainage Project in the amount of \$27,100. Councilmember Steve Schneider seconded the motion. All voted in favor.

The sixteenth item discussed on the agenda was to review and consider appointments & resignations to the City of Wharton Boards, Commissions and Committees:

- A. Beautification Commission.

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held January 28, 2019.

After some discussion, no action was taken.

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 7:58 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary