

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 12, 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. 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, Don Mueller and Russell Machann.

Councilmember absent was: Steven Schneider.

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, Community Development Coordinator Gwyneth Teves, Assistant to City Manager Brandi Jimenez, and Police Chief Terry David Lynch.

Visitors present were: Richard Hill, Capital Partner with Linebarger Goggan Blair & Sampson, LLP, Karen Vannerson, Greg Layne Fees and Fines Liaison with Linebarger Goggan Blair & Sampson, LLP, Carlos Cotton, P.E. with Jones and Carter, Inc., Wes Birdwell, P.E. with Halff and Associates, Inc., Wharton Chamber Executive Director Ron Sanders, Ernest Lemons and Ray Linseisen.

The second item on the agenda was Roll Call and Excuses Absences. Councilmember Russell Machann moved to excuse Councilmember Steve Schneider. Councilmember Terry Freese seconded the motion. All voted in favor.

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

The fourth item on the agenda was the Wharton Moment. Councilmember Russell Machann wished City Manager Andres Garza, Jr. an early Happy Birthday.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held January 8, 2018 and January 22, 2018. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held on January 8, 2018 and January 22, 2018. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with Linebarger Goggan Blair & Sampson, LLP for court fees and fines collection services and authorizing the Mayor of the City of Wharton to execute all

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documents related to said contract. City Manager Andres Garza, Jr. stated that Linebarger Goggan Blair & Sampson, LLP collected delinquent fines and fees for the City of Wharton Municipal Court and their contract with the City was set to expire on November 8, 2018. City Manager Garza presented City Secretary Paula Favor's memorandum to him requesting the City Council consider renewing the agreement for five years and a copy of a proposed contract with Linebarger Goggan Blair & Sampson, LLP for fines and fees collection services. Mrs. Favor stated that City Attorney Paul Webb had reviewed the contract and was recommending City Council consider approving it. After some discussion, Councilmember Russell Machann 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 APPROVING A CONTRACT WITH LINEBARGER GOGGAN BLAIR & SAMPSON, LLP FOR COURT FEES AND FINES COLLECTION SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The City of Wharton wishes to enter into an agreement with Linebarger Goggan Blair & Sampson, LLP for Court Fees and Fines Collection Services; and,

**WHEREAS,** The Wharton City Council and Linebarger Goggan Blair & Sampson, LLP 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 all documents related to the agreement.

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

**Section I.** That the Wharton City Council hereby approves an agreement with Linebarger Goggan Blair & Sampson, LLP for Court Fees and Fines Collection Services.

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

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

**Passed, Approved, and Adopted** this 12th day of February 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**Tim Barker**

Mayor

**ATTEST:**

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**Paula Favors**  
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget October 1, 2016 – September 30, 2017. Mrs. Anadel stated the Budget Adjustments would be presented at a future meeting. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the installation of new flooring at the Wharton Civic Center and authorizing the City Manager to execute all documents related to said contract.

A. Quotes for Wharton Civic Center flooring installation.

B. **Resolution:** A resolution of the Wharton City Council awarding a contract for the installation of new flooring at the Wharton Civic Center and authorizing the City Manager to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated that the floors at the Wharton Civic Center was in need of replacement and the City staff solicited quotes for the cost. City Manager Garza presented the quotes and a memorandum from Finance Director Joan Anadel. Ms. Anadel stated that it was her recommendation that the City Council consider approving On the Square Flooring in Wharton for the Wharton Civic Center flooring installation. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution NO. 2018-06, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-06**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE INSTALLATION OF NEW FLOORING AT THE WHARTON CIVIC CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY SAID CONTRACT.**

**WHEREAS,** Proposals were received for the installation of new flooring at the Wharton Civic Center; and,

**WHEREAS,** On the Square Flooring was deemed the best qualified bidder in the amount of \$5,700; and,

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**WHEREAS,** The Wharton City Council wishes to award a contract to On the Square Flooring for the installation of new flooring at the Wharton Civic Center in the amount of \$5,700; and,

**WHEREAS,** The City of Wharton and On the Square Flooring wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to execute the agreement.

**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 City Manager to execute a contract for the installation of new flooring at the Wharton Civic Center to On the Square Flooring in the amount of \$5,700.

**Section II.** The City of Wharton and On the Square Flooring 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 12th day of February 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council accepting a Drainage Easement Agreement between the City of Wharton and Mr. Rudolfo Davila and authorizing the Mayor of the City of Wharton to execute said agreement. City Manager Andres Garza, Jr. stated that the City Staff met with Mr. Rudolfo Davila regarding a proposed drainage easement agreement. City Manager Garza said that Mr. Davila agreed to provide the City the necessary easement for the installation of a proposed drainage pipe. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2018-07, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-07**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DRAINAGE EASEMENT AGREEMENT BETWEEN THE CITY OF WHARTON AND MR. RUDOLFO DAVILA AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into a Drainage Easement Agreement with Mr. Rudolfo Davila; and,

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

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Drainage Easement Agreement with Mr. Rudolfo Davila.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Drainage Easement Agreement with Mr. Rudolfo Davila.

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

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

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of February 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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 a resolution of the Wharton City Council accepting a Drainage Easement Agreement between the City of Wharton and Simon and Elizabeth Rodriguez and authorizing the Mayor of the City of Wharton to execute said agreement. City Manager Andres Garza, Jr. stated that the City Staff met with Simon and Elizabeth Rodriguez regarding a proposed drainage easement agreement. City Manager Garza said Simon and Elizabeth Rodriguez agreed to provide the City the necessary easement for the installation of a proposed drainage pipe. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-08, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-08**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A DRAINAGE EASEMENT AGREEMENT BETWEEN THE CITY OF WHARTON AND SIMON AND ELIZABETH RODRIGUEZ AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into a Drainage Easement Agreement with Simon and Elizabeth Rodriguez; and,

**WHEREAS,** The City of Wharton and Simon and Elizabeth Rodriguez wish to be bound by the conditions as set forth in the said agreements; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Drainage Easement Agreement with Simon and Elizabeth Rodriguez.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Drainage Easement Agreement with Simon and Elizabeth Rodriguez.

**Section II.** The City of Wharton and Simon and Elizabeth Rodriguez are hereby bound by the conditions as set forth in said agreements.

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

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of February 2018.

**CITY OF WHARTON, TEXAS**

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By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider City of Wharton Solid Waste Disposal and Collection Contract-Waste Corporation of America (WCA). City Manager Andres Garza, Jr. stated that the City of Wharton's contract with Waste Corporation of America (WCA) would expire on September 30, 2018. City Manager Garza said the City Council Public Works Committee met on February 6, 2018 to review the current services provided and formulate recommendation to the City Council and were recommending the City Council the services currently being provided remain and for the City Manager to negotiate an extension with WCA. He said the City Council Finance Committee met on Monday, February 12, 2018 and were recommending the City Council consider approving the City Manager to negotiate an extension with WCA. After some discussion, Councilmember Russell Machann moved to approve the City Manager negotiating an extension of the City of Wharton Solid Waste Disposal and Collection Contract with Waste Corporation of America WCA. Councilmember Al Bryant seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a presentation from Mr. Wes Birdwell, P.E., Halff & Associates-2017 Flood. Mr. Birdwell gave a presentation to the Council regarding the 2017 Flood Event. After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider Pay Request No. 3 from JTM Construction, LLC for the Alabama Sanitary Sewer Project. City Manager Andres Garza, Jr. presented Pay Request No. 3 from JTM Construction, LLC in the amount of \$160,257.78 for the Alabama Sanitary Sewer Project for work completed through 12/22/17 and a 10% retainage reduction. After some discussion, Councilmember Al Bryant moved to approve Pay Request No. 3 from JTM Construction, LLC for the Alabama Sanitary Sewer Project in the amount of \$160,257.78 for the Alabama Sanitary Sewer Project for work completed through 12/22/17 and a 10% retainage reduction. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Pay Request #21 from Ceres Environmental. City Manager Andres Garza, Jr. presented Pay Request from Ceres Environmental for debris removal services from Ceres Environmental No. 21 in the amount of \$1,985.90. After some discussion, Councilmember Al Bryant moved to approve Pay Request #21 from Ceres Environmental in the amount of \$1,985.90. Councilmember Terry Freese seconded the motion. All voted in favor.

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The fifteenth item on the agenda was to review and consider Pay Request No. 2 from Debris Tech Electronic Debris Management Systems for debris monitoring. City Manager Andres Garza, Jr. presented a Pay Request No. 2 in the amount of \$ 56,677.75 for debris monitoring services from Debris Tech Electronic Debris Management Systems for the period of 11/04/17 to 12/02/17. After some discussion, Councilmember Don Mueller moved to approve Pay Request No. 2 from Debris Tech Electronic Debris Management Systems for debris monitoring in the amount of \$56,677.75. Councilmember Al Bryant 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:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.
- D. City Council Committees.

City Manager Andres Garza, Jr. presented a letter of resignation from Ms. Liliana Johse from the Beautification Commission. After some discussion, Councilmember Russell Machann moved to accept the resignation from Ms. Liliana Johse from the Beautification Commission. Councilmember Don Mueller seconded the motion. All voted in favor.

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

- A. Parks and Recreation Committee meeting held January 22, 2018
- B. Public Works Committee meeting held February 5, 2018.
- C. Airport Board meeting held February 6, 2018.

After some discussion, no action was taken.

The eighteenth 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 8:07 p.m.

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By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

**ATTEST:**



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**Paula Favors**  
**City Secretary**