

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MAY 29, 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 Corey D. Gardner with St. Stephen's Missionary Baptist Church 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, Alice Heard-Roberts, Russell Machann and Don Mueller.

Councilmember absent was: Steven Schneider.

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

Visitors present were: Cynthia Hearse, Erma Washington, Elmonia Gibson, Lizbeth Velazquez, Felicia Jones, Steven L. Roberts, I.O. Coleman, Jr., Alice Barron, Jordyn Barron, Jerrell Barron, Sr., Jerrell Barron, Jr. Vickie Perkins, Billie Jones, Pastor Corey D. Gardner with St. Stephen's Missionary Baptist Church, Bruce Spitzengel with Grantworks, Chad Odom, Executive Director of Wharton Economic Development Corporation (WEDCo), Ernest C. Lemons and Albert Villegas with the Wharton Journal Spectator.

The second item on the agenda was to administer the Oath of Office to Elected Officials Mayor Tim Barker and Councilmembers Don Mueller and Alice Heard-Roberts, City Attorney Paul Webb administered the oaths of office to Mayor Tim Barker and Councilmembers Don Mueller and Alice Heard-Roberts.

The third item on the agenda was to review and consider 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.

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

The fifth item on the agenda was Public Comments. Ms. Billie Jones thanked the City Council for their faith in appointing the Hospital Committee and for their support of their efforts for Oak Bend Hospital to reopen the hospital in Wharton. Ms. Jones stated the grand opening of the facility would be Monday, June 4, 2018 at 7 a.m. Mr. Ernest Lemon stated he would like to see what was best for Wharton and would like to make sure Wharton receives the attention that it needs. Mr. I.O. Coleman, Jr. stated this support for newly elected Councilmember Alice Heard-Roberts.

The sixth item on the agenda was the Wharton Moment. Mayor Tim Barker stated that there would be a community prayer vigil on Saturday, June 9, 2018 at the East Gate - New Prosperity Baptist Church located on FM 102 and the community was welcome to join for prayer for our schools and families.

The seventh item on the agenda was 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,

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Whereas, The National Highway Traffic Safety Administration and the Motorcycle Safety Foundation have named May as Motorcycle Safety and Awareness Month.

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 2018 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 29th day of May, in the year of our Lord two thousand eighteen A.D.

Tim Barker
Mayor, City of Wharton

The eighth item on the agenda was to review and consider the City of Wharton Finance Report for April 2018. Finance Director Joan Andel presented the financial report for the month of April 2018. Mrs. Andel stated that the TexPool balance for April was \$1,007,863.79 with an average monthly yield of 1.6704%. She said the Prosperity Bank balance for April 2018 was \$4,323,255.44 with an average monthly yield of .25%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of April 2018. Councilmember Don Mueller 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 approving the transfer of ownership of a 2010 Jacobson 628 Turfcut mower to the Wharton Girls Softball Association and authorizing the City Manager of the City of Wharton to execute all documents related to said transfer. City Manager Andres Garza, jr. presented a letter to him from Mr. Ronnie Baines, President of The Wharton Girls Softball Association, for the donation of a City of Wharton mower to the Wharton Girls Softball Association. City Manager Garza said on April 23, 2018 the City Council approved the purchase of two (2) new mowers for the Facilities Maintenance Department and Mr. Baines was requesting one of the old mowers from the Facilities Maintenance Department be donated to The Wharton Girls Softball Association. City Attorney Paul Webb stated after reviewing the City of Wharton's sell of personal property procedure it was his recommendation the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve City of Wharton No. 2018-38, which read as follows:

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**CITY OF WHARTON
RESOLUTION NO. 2018-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TRANSFER OF OWNERSHIP OF A 2010 JACOBSON 628 TURFCAT MOWER TO THE WHARTON GIRLS SOFTBALL ASSOCIATION AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID TRANSFER.

WHEREAS, The Wharton Girls Softball Association provides recreational opportunities for girls within the City and surrounding areas; and,

WHEREAS, The Wharton Girls Association is a non-profit organization; and,

WHEREAS, The Wharton City Council wishes assist with the maintenance of the fields through the transfer of ownership of a 2010 Jacobson 628 Turfcats mower; and,

WHEREAS, The Wharton City Council has deemed the mower as surplus property; and,

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

NOW, THEREFORE, BE IT RESOLVED by the Wharton City Council that:

Section I. The Wharton City Council hereby approves the transfer of ownership of the 2010 Jacobson 628 Turfcats mower to help assist with the maintenance of the fields.

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

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

PASSED, APPROVED AND ADOPTED 29th day of May 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

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ATTEST

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider a request from Ms. Linda McDonald of St. Thomas Episcopal Church for Bob-O-Link Lane to be a temporary one way street from Pecan Street to Rusk Street for the Crisis Center of Matagorda and Wharton County Annual Fund Raiser. City Manager Andres Garza, Jr. presented a letter from Ms. Linda McDonald of St. Thomas Episcopal Church requesting for Bob-O-Link to become a one way drive from Pecan Street to the front of the parish hall at Rusk Street. City Manager Garza stated the event was on Tuesday, June 5, 2018 from 3 p.m. to 7:30 p.m. and was drive thru only. After some discussion, Councilmember Al Bryant moved to approve a request from Ms. Linda McDonald of St. Thomas Episcopal Church for Bob-O-Link Lane to be a temporary one way street from Pecan Street to Rusk Street for the Crisis Center of Matagorda and Wharton County Annual Fund Raiser on Tuesday, June 5, 2018 from 3 p.m. to 7:30 p.m. 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 awarding a contract for Grant Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on April 23, 2018, the City Council authorized the City Staff to pursue proposals for Disaster Recovery and Hazard Mitigation Grant Applications and Funds Management Assistance and proposals for the one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance Grant Services were received on May 21, 2018. Community Development Coordinator Gwyn Teves stated the Consultant Selection Committee was requesting the City Council consider awarding a contract for Grant Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance to Grantworks. After some discussion, Councilmember Terry Freese moved to approve City of Wharton No. 2018-39, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2018-39

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A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDDING A CONTRACT FOR GRANT SERVICES FOR ONE OR MORE HAZARD MITIGATION ASSISTANCE (HMA) GRANTS FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT, TEXAS WATER DEVELOPMENT BOARD AND/OR OTHER SOURCES, INCLUDING HAZARD MITIGATION GRANT PROGRAM, AND/OR FLOOD MITIGATION ASSISTANCE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract for Grant Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance with Grantworks and,

WHEREAS, The City of Wharton and Grantworks 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 contract.

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 an agreement with Grantworks for Grant Services for one or more Hazard Mitigation Assistance (HMA) grants from the Texas Division of Emergency Management, Texas Water Development Board and/or other sources, including Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and/or Flood Mitigation Assistance.

Section II. The City of Wharton and Grantworks are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 29th day of May 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER

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Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for Grant Services for the Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated that on April 23, 2018, the City Council authorized the City Staff to pursue proposals for Disaster Recovery and Hazard Mitigation Grant Applications and Funds Management Assistance. Community Development Coordinator Gwyn Teves stated that proposals for the CDBG-DR Grant Services were received on May 14, 2018. Mrs. Teves stated the Consultant Selection Committee met on May 29, 2018 and was requesting the City Council consider awarding a contract for Grant Services for the Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO) to Grantworks. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-40**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR GRANT SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY FUNDING FROM THE GENERAL LAND OFFICE – COMMUNITY DEVELOPMENT & REVITALIZATION (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract for Grant Services for the Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO) with Grantworks; and,

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

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

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 an agreement with Grantworks for Grant Services for the Community Development Block Grant – Disaster Recovery funding from the General Land Office – Community Development & Revitalization (GLO).

Section II. The City of Wharton and Grantworks are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 29th day of May 2018.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider is an update of City of Wharton Grant Programs. Community Development Coordinator Gwyn Teves presented an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The fourteenth 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 May 23, 2018 providing an update on the City of Wharton current projects as of April 30, 2018.

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

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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. Also, there has been some federal legislation passed in Congress that may provide funding for the project. The City Staff is working with the Fort Worth District Office regarding the legislation. The USACE is developing the guidance on the process to move this project forward. The City is expecting an announcement from the USACE in late May.

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. All four (4) property owners have executed the drainage agreements and have been accepted by the City Council. The Public Works Department will begin the installation of drainage pipes in the near future.

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.

The project has been completed and grant closeout had begun.

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. 2017-2018 City Street Improvements.

The City 2017-2018 Street Improvement Program was approved by the City Council on April 9, 2018. The City Public Works Department has begun the Street Improvement Project. Monthly updates will be submitted to the Mayor and City Council as the project progresses.

After some discussion, no action was taken.

The fifteenth 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, Councilmember Russell Machann moved to appoint the following:

D. City Council Committees		Term Expires:
Annexation Committee	Alice Heard-Roberts	June 30, 2019
Finance Committee	Alice Heard-Roberts	June 30, 2019
Public Health Committee	Alice Heard-Roberts	June 30, 2019
Public Safety Committee	Alice Heard-Roberts	June 30, 2019
Legislative Committee	Alice Heard-Roberts	June 30, 2019
Intergovernmental Communications Committee	Alice Heard-Roberts	June 30, 2019

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

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

- A. Beautification Committee meeting held on May 9, 2018.
- B. Mayors Committee on People with Disabilities meeting held on May 11, 2018.
- C. Finance Committee meeting held May 14, 2018.

After some discussion, no action was taken.

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

- | | |
|---|---------------------------------|
| 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 the 2017 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 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. Finance Director Joan Andel stated a public meeting was required and the City Staff was requesting City Council approval to hold the public meeting on Thursday, June 14, 2018 at 6:00 p.m. at City Hall to allow an opportunity for citizens to ask questions regarding the report. Mrs. Andel said the deadline to submit the required documentation to TCEQ was June 30th. After some discussion, Councilmember Al Bryant moved to approve setting the public meeting for Thursday, June 14, 2018 at 6:00 p.m. at City Hall for the Annual Drinking Water Quality Report (Consumer Confidence Report) (CCR) and the City Staff's recommendation for the dissemination of the Consumer Confidence Report. Councilmember Terry Freese seconded the motion. All voted in favor.

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The nineteenth item on the agenda was to review and consider Mahan/Kinkaid/Delmas Street Drainage Project:

A. **Resolution:** A resolution of the Wharton City Council awarding a contract for the Mahan/Kinkaid/Delmas Street Drainage Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. presented quotes and a memorandum from Public Works Director Wade Wendt regarding the project. Mr. Wendt stated the City Staff recommendation was for the City Council to consider awarding a contract to JTM Construction, Inc. After some discussion, Councilmember Al Bryant moved to City of Wharton 2018-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-41**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE MAHAN/KINKAID/DELMAS STREET DRAINAGE PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Mahan/Kinkaid/Delmas Drainage Project; and,

WHEREAS, JTM Construction was deemed the best lowest qualified bidder in the amount of \$27,100.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to JTM Construction for the Mahan/Kinkaid/Delmas Drainage Project in the amount of \$27,100.00; and,

WHEREAS, The City of Wharton and JTM Construction 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.

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

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Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract for the Mahan/Kinkaid/Delmas Drainage Project to JTM Construction in the amount of \$27,100.00.

Section II. The City of Wharton and JTM Construction 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 29th day of May 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 twentieth item on the agenda was to review and consider City Manager Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Russell Machann moved to approve the City Manager Reimbursement request. Councilmember Al Bryant seconded the motion. All voted in favor.

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

The meeting adjourned at 7:43 p.m.

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By: _____
Tim Barker
Mayor

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ATTEST:

Paula Favors
City Secretary