

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
SEPTEMBER 10, 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, Alice Heard-Roberts, Don Mueller, Russell Machann and Steve Schneider.

Councilmember absent were: None.

Staff members present were: Finance Director Joan Andel, City Secretary Paula Favors, City Attorney Paul Webb, Public Works Director Wade Wendt, Assistant to City Manager Brandi Jimenez and Airport Manager David Allen.

Visitors present were: Christopher Reina with the Boys and Girls Club of Wharton, Clifford Grimes, representative with the Boys and Girls Club of Wharton, Albert Villegas with the Wharton Journal Spectator, Sandy Sanders and Wharton Chamber of Commerce Executive Director Ron Sanders.

The second item on the agenda was Roll Call and Excuses Absences. All members were present.

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

The fourth item on the agenda was the Wharton Moment. Assistant to the City Manager Brandi Jimenez stated City Manager Andres Garza, Jr. was home and resting comfortably after a recent procedure. City Attorney Paul Webb stated he was thankful that where the United States of American was presently as to where it was on September 11, 2001.

The fifth item on the agenda was Public Hearing: Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2018 to September 30, 2019. Mayor Tim Barker opened the meeting at 7:06 p.m. No comments were made. Mayor Tim Barker closed the meeting at 7:07 p.m.

The sixth item on the agenda was to review and consider action on changes to the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2018 to September 30, 2019. After some discussion, Councilmember Russell Machann moved to approve the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2018 to September 30, 2019. Councilmember Al Bryant seconded the motion. All voted in favor.

The seventh item discussed on the agenda was to review and consider a presentation by Mr. Christopher Reina with the Boys & Girls Club of Wharton on the merger agreement with the Boys & Girls Club of Greater Houston. Mr. Christopher Reina presented the agreement of a merger between the Boys & Girls Club of Wharton and the Boys & Girls Club of Greater Houston. Finance Director Joan Andel stated the City Council had agreed to deed the property that was owned by the City of Wharton that the current Boys & Girls of Wharton facilities were on in order to assist in the merge and had agreed to the arrangement with the condition that the properties would be deeded back to the City if the Boys & Girls Club of Wharton no longer utilized the facilities. Mrs. Andel presented a copy of the draft agreement terms between the Boys & Girls Club of Wharton and the Boys & Girls Club of Greater Houston. She said that the City had been advised that without the following terms the merger would not take place:

City of Wharton Terms	B & G Club of Greater Houston Terms
<ul style="list-style-type: none">• Return of Property if B&G Club Dissolved• No cost to City	<ul style="list-style-type: none">• Property released to B&G Club of Greater Houston after 5 years• City would have first option to purchase property and improvements back if to be sold•

* Assurances have been expressed that non-profit organizations would assist if a purchase did have to be made.

Mrs. Andel stated that the draft terms for the merger would release the Boys & Girls Club of Wharton from the City's arrangement and would turn the property over to the Boys & Girls Club of Greater Houston after a term of 5 years. After some discussion, Councilmember Don Muller moved to table the item until further review of the agreement could be made. Councilmember Al Bryant seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider the reading of the minutes from the regular meeting held August 13, 2018 and August 27, 2018 and special meeting held August 20, 2018. After some discussion, Councilmember Al Bryant moved to approve the reading of the minutes from the regular meeting held August 13, 2018 and August 27, 2018 and special meeting held August 20, 2018. Councilmember Steve Schneider seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for City of Wharton assistance by approving the following for the Party under the Bridge to be held Thursday, September 27, 2018:

- A. Closing to traffic from 4 pm to 8 pm a portion Colorado Street from Dinosaur Park to underneath the northbound lane of Business 59.
- B. Closing to traffic from 4 pm to 8 pm the U-shaped access road from the south side of the Dinosaur parking lot to Colorado Street.
- C. Traffic control as needed.

- D. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
- E. Trash cans, and if possible, clean up.
- F. Labor to pick up, set up and return rented tables and chairs from Simply Devine Event Center.
- G. Allow open containers within Dinosaur Park, and Colorado Street within Dinosaur Park as it runs south to underneath the northbound lane of Business 59 from 5 pm to 8 pm.

Finance Director Joan Anandel presented a letter dated August 24, 2018 from Wharton Chamber of Commerce Executive Director Ron Sanders regarding the celebration of the re-opening of the Colorado Bridge. Mrs. Anandel stated the event would be held on Thursday, September 27, 2018 from 5:00 p.m. to 7:30 p.m. After some discussion, Councilmember Russell Machann moved to approve the afore mentioned request of items A. through G. Councilmember Terry Freese seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a ceilometer for the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Finance Director Joan Anandel presented a resolution authorizing the Wharton Regional Airport to purchase a ceilometer. Airport Manager David Allen stated the current ceilometer at the airport was no longer operational and the City of Wharton had a contract with DBT Transportation Services, LLC that would replace the ceilometer. Mr. Allen said the total costs for the ceilometer was \$28,120.00, which was eligible for fifty (50) percent reimbursement under the Routine Airport Maintenance Program (RAMP). After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-70, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-70**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A CEILOMETER FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton Regional Airport wishes the City Council to approve the purchase of a ceilometer; and,

WHEREAS, The City of Wharton currently has a contract with DBT Transportation Services, LLC for the replacement of the ceilometer; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase the ceilometer for the Wharton Regional Airport in the amount of \$28,120.00; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute any documents related to said purchase.

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

SECTION I. The Wharton City Council hereby authorizes the purchase of the ceilometer for the Wharton Regional Airport in the amount of \$28,120.00

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute any documents related to said purchase.

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

PASSED AND APPROVED this 10th day of September 2018.

CITY OF WHARTON

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 resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division, for the Routine Airport Maintenance Program, TxDOT CSJ No. M1913WHRT, for the Airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Finance Director Joan Andel presented a copy of the 2019 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. Airport Manager David Allen stated the City of Wharton had participated in the RAMP Program in the past years and wished to continue participating. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-71, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-71**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN
AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS
DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE**

ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT CSJ NO. M1913WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to conduct improvement to the Wharton Regional Airport under the 2019 Routine Airport Maintenance Program; and,

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2019 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and,

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

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 a contract with the Texas Department of Transportation Aviation Division for the 2019 Routine Airport Maintenance Program.

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

Section III. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this 10th day of September 2018.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving the Premier Money Market Account with Prosperity Bank and authorizing the Mayor, City Manager and Finance Director as the only signators. Finance Director Joan Andel presented a memorandum from herself to the City Council requesting that the City of Wharton open a Premier Money Market Account at Prosperity Bank. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-72, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-72**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PREMIER MONEY MARKET ACCOUNT WITH PROSPERITY BANK AND AUTHORIZING THE MAYOR, CITY MANAGER AND FINANCE DIRECTOR AS THE ONLY SIGNATORS.

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's Premier Money Market Account with Prosperity Bank:

1. Andres Garza, Jr., City Manager

Signature

2. Joan Andel, Finance Director

Signature

3. Tim Barker, Mayor

Signature

That effective September 10, 2018, the above listed City officials are the authorized signators to the Premier Money Market Account.

That this resolution shall become effective September 10, 2018.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 10th day of September 2018.

CITY OF WHARTON

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the City of Wharton Excessive Force Policy per 24 CFR 91.325 (b) (6) and setting an effective date. Community Development Coordinator Gwyn Teves stated the City of Wharton was required to adopt an Excessive Force Policy to be in compliance and eligible to apply for grant funds. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-73**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON EXCESSIVE FORCE POLICY PER 24 CFR 91.325(b)(6) AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton is required by 24 CFR 91.325(b)(6) to adopt an Excessive Force Policy to be eligible for grant funding; and,

WHEREAS, The City Council will review and adopt, by resolution, the Excessive Force Policy for the City of Wharton; and,

WHEREAS, The attached Excessive Force Policy complies with the requirements and allows the City to participate in grant funding.

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

Section I. The City of Wharton has complied with the requirements of 24 CFR 91.325(b)(6), and the policy attached as “Exhibit A” is hereby adopted as the Excessive Force Policy of the City of Wharton effective September 10, 2018.

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

Passed, Approved, and Adopted this 10th day of September 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 fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council committing the City to provide local matching funds to secure and complete the FEMA Hazard Mitigation critical facility generators grant. Community Development Coordinator Gwyn Teves stated the City of Wharton was required to commit matching funds for the FEMA Hazard Mitigation Grant Program and the City was planning to match the funds with the funds allotted in the CDBG-DR Method of Distribution. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-74, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2018-74**

A RESOLUTION OF THE WHARTON CITY COUNCIL COMMITTING THE CITY TO PROVIDE LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE FEMA HAZARD MITIGATION CRITICAL FACILITY GENERATORS GRANT.

WHEREAS, The City has applied for FEMA Hazard Mitigation Assistance funds to provide the City with funding for critical facility generators; and

WHEREAS, The City has been allocated funds for Harvey CDBG-DR Infrastructure projects through the regional Method of Distribution process for which the generators are an eligible activity; and

WHEREAS, The City anticipates receiving its CDBG-DR allocation in the first quarter of 2019.

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

Section I. The City of Wharton commits to providing the 25% local share for the FEMA Hazard Mitigation Assistance critical facility generators grant project.

Section II. The local share will be paid from the City's Harvey CDBG-DR Infrastructure distribution if and when such funds become available to the City, pending the required citizen participation requirements.

Section III. Should these funds not be available for whatever reason, the City will pay its local share from the general fund.

Passed, Approved, and Adopted this 10th day of September 2018.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The fifteenth item on the agenda was to review and consider the Official Ballot of the Texas Municipal League Intergovernmental Employee Benefits Pool Member of Region 14. Finance Director Joan Andel presented the Official Ballot of the Texas Municipal League Intergovernmental Employee Benefits Pool Member of Region 14. Mrs. Andel stated that City Manager Andres Garza, Jr. was recommending the City Council cast its vote for Mr. Jason Reynolds, City Manager, City of Nassau Bay. After some discussion, Councilmember Russell Machann moved to approve casting the City of Wharton's vote for Mr. Jason Reynolds, City Manager, City of Nassau Bay on the Official Ballot of the Texas Municipal League Intergovernmental Employee Benefits Pool Member of Region 14. Councilmember Steve Schneider seconded the motion. All voted in favor.

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

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.
- D. Mayor's Committee on People with Disabilities.

After some discussion, no action was taken.

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

Wharton City Council Regular Meeting
September 10, 2018

The meeting adjourned at 7:57 p.m.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary