

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JULY 8, 2019**

Mayor Pro-Tem Don Mueller declared a Regular Meeting duly open for the transaction of business at 7:05 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and Mayor Pro-Tem Don Mueller led the pledge of allegiance.

Councilmember's present were: Mayor Pro-Tem Don Mueller and Councilmembers Terry Freese, Alice Heard-Roberts, Clifford Jackson, Russell Machann and Steve Schneider.

Councilmember absent were: Mayor Tim Barker.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Attorney Paul Webb, City Secretary Paula Favors, TRMC, CPM, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves and Public Works Director John Plaia.

Visitors present were: Matt Breazeale, P.E. of Jones & Carter, Damon Parker, Isaish Coleman, Phillis Johnson, Iola Johnson, Duria Jackson, Dennis Perkins, Arnold Amaro, Doris Huddleston, Mary A. Baines, Diane Allen, Ermis Humphrey, Jr., Alice Humphrey, Mozelle Stephens, Trina Baldwin and Stella Sanders.

Roll Call and Excused Absences. After some discussion, Councilmember Russell Machann moved to excuse Mayor Tim Barker. Councilmember Terry Freese seconded the motion. All voted in favor.

Public Comments.

Mr. Arnold Amaro addressed the City Council regarding drainage issues near his property along the Kansas City Railroad. Mr. Amaro said he had met with Commissioner Richard Zahn about the issues on the County side and he was spraying weed killer and clearing out the area of concern with a backhoe.

Ms. Diane Allen addressed the City Council regarding drainage issues in front of her home on East Caney Street where she had contacted the Public Works Department on several occasions to request the ditches be cleaned out without avail.

Mr. I.O. Coleman, Jr. congratulated City Attorney Paul Webb for being selected as the Wharton Journal Spectator's Top Attorney in Wharton County. Mr. Coleman discussed issues with railroad

crossings, drainage issues, tree limbs that were eye sores and a water leak located in front of his home.

Ms. Mary Barnes addressed the City Council regarding issues with the heavy trash pickup on the west side of the City. Ms. Barnes stated some of the tree limbs have been sitting for two months without collection.

Wharton Moment. No comments were made.

The first item on the agenda was to review and consider the minutes from the regular meetings held June 10, 2019 and June 24, 2019 and special meetings held June 3, 2019, June 17, 2019 and June 25, 2019. After some discussion, Russell Machann moved to approve the minutes from the regular meetings held June 10, 2019 and June 24, 2019 and special meetings held June 3, 2019, June 17, 2019 and June 25, 2019. Councilmember Steve Schneider seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request by Mr. David Farris of the Wharton County Recovery Team for a front setback variance for 1805 Hendon St., CW Wilson, Lot 3, Portion Lot 4. The Wharton County Recovery Team is rebuilding a residence at the above location and is requesting a 10' variance for the front setback from the required 25' setback resulting in an overall 15' setback." City Manager Andres Garza, Jr. presented a request from the Wharton Recovery Team for a front setback variance for 1805 Hendon St., CW Wilson, Lot 3, Portion Lot 4. The Wharton County Recovery Team is rebuilding a residence at the afore mentioned location and was requesting a 10' variance for the front setback from the required 25' setback resulting in an overall 15' setback. Community Development Director Gwyn Teves stated the Planning Commission did not review the request as they did not have a quorum at their last meeting but City Staff was recommending the City Council consider approving the request. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by Mr. David Farris of the Wharton County Recovery Team for a front setback variance for 1805 Hendon St., CW Wilson, Lot 3, Portion Lot 4. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The third item on the agenda was to review and consider City of Wharton Annexations:

A. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 189.86 acre tract of land situated in the James Tumlinson Survey, Abstract 63 Randall Jones 1/2 League, Abstract 36 in Wharton, County, Texas as described in the metes and bounds attached hereto as Exhibit "A", to the City of Wharton, Wharton County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

B. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 86.20 acres Alexander Jackson Survey, Abstract 34, William Kincheloe Survey, Abstract 38 in Wharton, County, Texas as described in the metes and bounds attached hereto as

Exhibit "A", to the City of Wharton, Wharton County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

C. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 140.92 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas and being an approximate 1000-foot wide strip of land along U.S. Highway 59 extending northerly from the northern existing City limits of the City of Wharton, with all bearings based upon the westerly right-of-way line of U.S. Highway 59 as being north 50 degrees 20 minutes 13 seconds east (called north 50 degrees 20 minutes 13 seconds east) Wharton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

City Manager Andres Garza, Jr. presented the draft ordinances and maps for the afore mentioned City of Wharton Annexations. City Attorney Paul Webb stated this would be the first reading of the Annexation Ordinances as two public hearings had been conducted as required by law. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Ordinance No. 2019-16, 2019-17 and 2019-18, which read as follows:

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

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 189.86 ACRE TRACT OF LAND SITUATED IN THE JAMES TUMLINSON SURVEY, ABSTRACT 63 RANDALL JONES 1/2 LEAGUE, ABSTRACT 36 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 86.20 ACRES ALEXANDER JACKSON SURVEY, ABSTRACT 34, WILLIAM KINCHELOE SURVEY, ABSTRACT 38 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT “A”; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 140.92 ACRE TRACT OF LAND IN THE ALEXANDER JACKSON SURVEY, ABSTRACT 34, AND THE WILLIAM KINCHELOE SURVEY, ABSTRACT 38, WHARTON COUNTY, TEXAS, AND BEING AN APPROXIMATE 1000-FOOT WIDE STRIP OF LAND ALONG U.S. HIGHWAY 59 EXTENDING NORTHERLY FROM THE NORTHERN EXISTING CITY LIMITS OF THE CITY OF WHARTON, WITH ALL BEARINGS BASED UPON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59 AS BEING NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST (CALLED NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST) WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by

ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract with Fort Bend Excavation Inc., for the improvements to the Alabama Channel Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a copy of a draft resolution approving a contract with Fort Bend Excavation Inc., for the improvements to the Alabama Channel Project. Public Works Director John Plaia and Mr. Matt Breazeale, P.E. of Jones & Carter discussed the project and requested the City Council consider approval of the contract. City Manager Garza stated the Public Works Committee had met and reviewed the request and were recommending approval. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-76, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-76**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH FORT BEND EXCAVATION INC., THE IMPROVEMENTS TO THE ALABAMA CHANNEL PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract with Fort Bend Excavation Inc. for the Alabama Channel Repair Project not to exceed the amount of \$10,000.00; and,

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

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

Section I. That the City Council hereby approves a contract with Fort Bend Excavation Inc. for the Alabama Channel Repair Project not to exceed the amount of \$10,000.00.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

PASSED, APPROVED, and ADOPTED this 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Clifford Jackson seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an update on repairs need to the Santa Fe Drainage Outfall. Mr. Matt Breazeale, P.E. of Jones & Carter presented the repairs needed at the Santa Fe Drainage Outfall and discussed previous damage from flooding that had been submitted to F.E.M.A for consideration of funding to repair but no funds had been obligated to the City to date. After some discussion, no action was taken.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving a six month extension and setting a deadline for the current occupation of FEMA Temporary Housing Units as a result of the Hurricane Harvey Disaster of 2017. City Manager Andres Garza, Jr. presented a request from Ms. Christa Lopez of the Texas General Land Office for an extension for the current occupation of FEMA Temporary Housing Units as a result of the Hurricane Harvey Disaster of 2017. Community Development Director Gwyn Teves stated the request would extend the deadline of the occupation of FEMA Temporary Housing Units as a result of the Hurricane Harvey Disaster of 2017 to January 25, 2020. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-77, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-77**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A SIX-MONTH EXTENSION AND SETTING A DEADLINE FOR THE CURRENT OCCUPATION OF FEMA TEMPORARY HOUSING UNITS AS A RESULT OF THE HURRICANE HARVEY DISASTER OF 2017.

WHEREAS, The Wharton City Council has received a request by the GLO to grant an extension for the current occupation of FEMA temporary housing units as a result of the Hurricane Harvey disaster of 2017; and,

WHEREAS, The Wharton City Council approves setting a deadline of January 25, 2020.

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

Section I. The Wharton City Council hereby grants a six-month extension on the occupation of FEMA temporary housing units as a result of the Hurricane Harvey disaster of 2017.

Section II. The Wharton City Council wishes to approve setting a deadline of January 25, 2020.

Passed, Approved, and Adopted this the 8th day of July 2019.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Terry Freese 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 approving a contract with Strand Associates, Inc., for engineering services to construct new hangars at the Wharton Regional Airport and authorize the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a draft contract for engineering services with Strand Associates, Inc., for the construction of new hangars at the Wharton Regional Airport. After some discussion, Councilmember Steve Schneider moved to approve City of Wharton Resolution No. 2019-78, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-78**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH STRAND ASSOCIATES, INC., FOR ENGINEERING SERVICES TO CONSTRUCT NEW HANGARS AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZE 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 with Strand Associates Inc., for engineering services at the Wharton Regional Airport to construct new hangars; and,

WHEREAS, The City of Wharton and Strand Associates, Inc., 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 contract with Strand Associates Inc.

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 contract with Strand Associates Inc., for engineering services for the construction of new hangars.

Section II. The City of Wharton and Strand Associates Inc., 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 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST: _____
PAULA FAVORS
City Secretary

Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the Cloud Street Water Well Repair Project:

A. Pay Request No. 4 from Weisinger Incorporated.

City Manager Andres Garza, Jr. presented a copy of Pay Request No. 4 from Weisinger Incorporated for the Cloud Street Water Well Repair Project. Public Works Director John Plaia stated it was his recommendation for the City Council to consider the approval of Pay Request No. 4 in the amount \$17,005. After some discussion, Councilmember Clifford Jackson moved to approve Pay Request No. 4 from Weisinger Incorporated for the Cloud Street Water Well Repair Project in the amount of \$17,005. Councilmember Terry Freese seconded the motion. All voted in favor.

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

1. Appointments:
 - A. Beautification Commission.

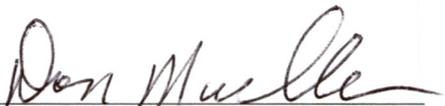
- B. Building Standards Commission.
 - C. Plumbing and Mechanical Board.
2. Resignations: None.

After some discussion, no action was taken.

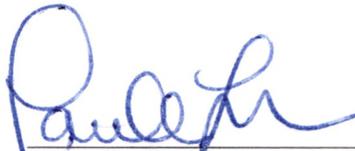
Adjournment. There being no further discussion, Councilmember Russell Machann moved to adjourn. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The meeting adjourned at 7:34 p.m.

CITY OF WHARTON, TEXAS

By: 
DON MUELLER
Mayor Pro-Tem

ATTEST:


PAULA FAVORS
City Secretary

