

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
OCTOBER 28, 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 Don Mueller led the opening devotion and Mayor led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Terry Freese, Alice Heard-Roberts, Clifford Jackson and Russell Machann, Don Mueller.

Councilmember absent was: Steve Schneider.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, MMC, and Community Development Director Gwyn Teves.

Visitors present were: Ron Sanders, Executive Director, Wharton Chamber of Commerce.

Roll Call and Excused Absences.

After some discussion, Councilmember Russell Machann moved to excuse Councilmember Steve Schneider. Councilmember Clifford Jackson seconded the motion. All voted in favor.

Public Comments.

No comments were given.

Wharton Moment.

Councilmember Russell Machann congratulated Wharton Chamber of Commerce Executive Director Ron Sanders on a successful Party Under the Bridge event and thanked him for his hard work. City Manager Andres Garza, Jr. congratulated the Houston Astros on their recent wins in the World Series Championship.

The first item on the agenda was to review and consider the City of Wharton Financial Report for September 2019. Finance Director Joan Andel presented the financial report for the month of September 2019. Mrs. Andel stated that the TexPool balance for September was \$5,108,087.48 with an average monthly yield of 2.16%. She said the Prosperity Bank balance for September 2019 was \$3,649,429.23 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 September 2019. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton Budget October 1, 2019 – September 30, 2020. Finance Director Joan Anandel presented the City of Wharton Budget Adjustments for fiscal year October 1, 2019 through September 30, 2020. Mrs. Anandel stated the City Council Finance Committee met on Monday, October 28, 2019 at 5:30 p.m. and were recommending the City Council consider approving the amendment. She stated that due to the Industrial District #2 agreement reached by the City and Colorado Bend II, the budget adjustments could be made. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2019-31, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2019-31**

AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF WHARTON, TEXAS, BUDGET FOR THE 2019-2020 FISCAL YEAR.

WHEREAS, The City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2019-2020 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, The City Council finds and determines that these adjustments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2019-2020 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Clifford Jackson	Voted	<u>Yes</u>	Steven Schneider	Voted	<u>Absent</u>
Councilmember District No. 1			Councilmember District No. 2		
Terry Freese	Voted	<u>Yes</u>	Donald Mueller	Voted	<u>Yes</u>
Councilmember District No. 3			Councilmember District No. 4		
Russell Machann	Voted	<u>Yes</u>	Alice Heard- Roberts	Voted	<u>Yes</u>
Councilmember at Large No. 5			Councilmember at Large No. 6		
Tim Barker	Voted	<u>Yes</u>			

Mayor

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a distinct and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 28th day of October 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

ADMISSION:

JOAN ANDEL
Director of Finance

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

The third item on the agenda was to review and consider a resolution of the Wharton City Council approving two - one year extensions with Harrison Waldrop & Uherek, LLP for auditing services for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to agreements on behalf of the City of Wharton. City Manager Andres Garza, Jr. stated that on June 8th, 2015, the Wharton City Council approved an agreement for three years with two additional one year extension periods with Harrison Waldrop & Uherek, LLP for auditing services. Finance Director Joan Anandel stated the agreement was now eligible for its second one year extension of the agreement. Mrs. Anandel said the City Council Finance Committee met and reviewed the two one-year extensions and were recommending the City Council consider approving two – one year extensions with Harrison Waldrop & Uherek, LLP for auditing services for the City of Wharton. She stated the extensions would be for Fiscal Year 2018 and 2019. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2019-116, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-116**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING TWO - ONE YEAR EXTENSIONS WITH HARRISON, WALDROP & UHEREK LLP FOR AUDITING SERVICES FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO AGREEMENTS ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an agreement with Harrison, Waldrop & Uherek, LLP to conduct the City of Wharton's Annual Financial Audit; and,

WHEREAS, the City of Wharton and Harrison, Waldrop & Uherek, LLP wishes to be bound by the conditions as set forth in 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 authorizes the Mayor of the City of Wharton, Texas to execute an agreement with Harrison, Waldrop & Uherek, LLP to conduct the City of Wharton's Annual Financial Audit.

Section II. Harrison, Waldrop & Uherek, LLP and the City of Wharton 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 28th day of October 2019.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourth item on the agenda was to review and consider a request from the Wharton County Recovery Team for an extension on the temporary variance for 1504 Connie Street. City Manager Andres Garza, Jr. stated that on September 23, 2019, the City Council approved a temporary variance of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division

3-Recreational Vehicles of two weeks. Community Development Coordinator Gwyn Teves stated the resident was approved for disaster construction through Samaritan's Purse and had been temporarily displaced. Mrs. Teves said the Long-Term Recovery Team was requesting an extension until November 30, 2019 due to the construction contractor having a family emergency and construction being delayed. After some discussion, Councilmember Clifford Jackson moved to approve the request from the Wharton County Recovery Team for an extension on the temporary variance for 1504 Connie Street until November 30, 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2019 Holiday Parade Chairman for the Wharton Holiday Parade for the following:

- A. Ordinance: An ordinance approving the 2019 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. City of Wharton to provide five (5) portable lights for use during the parade.

City Manager Andres Garza, Jr. presented a copy of a request from Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2019 Holiday Parade Chairman for the Wharton Holiday Parade. City Manager Garza stated the request was the same as in previous years. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2019-32, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2019-32**

AN ORDINANCE APPROVING THE 2019 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE WHARTON POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlison Street and Milam Street) from its intersection with Alabama Road and Polk Street; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

Section II. The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

Section III. The closure of all streets as indicated in said map identified in Section II are hereby authorized.

Section IV. The traffic detour plan as identified in Section III above is hereby approved.

Section V. The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

Section VI. This ordinance shall become effective on the 26th day of November 2019 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 28th day of October 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Russell Machann 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 authorizing the submission of applications to the Texas Department of Emergency Management under the Pre-Disaster Mitigation Grant Program on behalf of Wharton Independent School District and authorizing the Mayor of the City of Wharton to execute all documents relating to said applications. City Manager Andres Garza, Jr. stated that on September 30, 2019 FEMA announced

the opening of the Pre-Disaster Mitigation Grant Program (PDM) and the Wharton Independent School District has requested that the City apply for the Pre-Disaster Mitigation funds on their behalf for a cafeteria generator and flood mitigation at the Wharton High School. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2019-117, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-117**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT UNDER THE PRE-DISASTER MITIGATION GRANT PROGRAM ON BEHALF OF WHARTON INDEPENDENT SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATIONS.

WHEREAS, On September 30th, 2019 FEMA announced the opening of the Pre-Disaster Mitigation Grant Program (PDM); and,

WHEREAS, The Wharton Independent School District has requested the City apply for the Pre-Disaster Mitigation funds on their behalf for a cafeteria generator and flood mitigation at the Wharton High School; and,

WHEREAS, The City of Wharton City Staff requests to issue applications on behalf of Wharton Independent School District for the Pre-Disaster Mitigation Program and is seeking City Council permission for the submission of the applications; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff submit the applications on behalf of Wharton Independent School District.

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

Section I: That the Wharton City Council hereby approves the City Staff to submit applications under the Texas Department of Emergency Management Pre-Disaster Mitigation Grant Program on behalf of Wharton Independent School District.

Section II: The Wharton City Council hereby authorizes the Mayor to execute all documents relating to the applications.

Section III: That this resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 28th day of October 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Russell Machann seconded the motion. Councilmember Alice Heard-Roberts voted against the motion. Councilmembers Don Mueller, Terry Freese, Clifford Jackson and Russell Machann voted for the motion. The motion carried.

The seventh item on the agenda was to review and consider the rescheduling the November 11, 2019 Regular City Council Meeting due to Veterans Day Holiday. City Secretary Paula Favors stated the City Staff was requesting that the Regular City Council Meeting that was scheduled for November 11, 2019 be rescheduled to November 12, 2019 due the Veterans Day Holiday. After some discussion, Councilmember Alice Heard-Roberts moved to approve the rescheduling of the November 11, 2019 Regular City Council meeting due to the Veterans Day Holiday to Tuesday, November 12, 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum October 22, 2019 providing an update on the City of Wharton current projects as of September 30, 2019, which read as follows:

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 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 Project Participation Agreement (PPA) has been executed. The City has begun the process to acquire the property necessary to construct the project. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City Staff and HDR has acquired all but two (2) of the seventy-one (71) right of entries needed for this phase of the project.

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. The ideal disposal site should be close to the project site to reduce the cost of construction.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Director is currently working out the details. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The City is awaiting the approval of the grant request.

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.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area and installing additional storm sewer lines across the street to convey water to the Santa Fe Drainage Channel.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of September.

2. Water Well Repair Project-Cloud Street.

The project has been completed and the well is back in production.

3. Water Well and Water Plant Project – CR 222 (Halford).

Half and Associates the City's engineering firm on the project are completing the plan and specifications for the project. The plans and specifications must be submitted to the USDA for review and approval. The City Staff anticipate the project to be out for bid by the first quarter of 2020.

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. The City Staff is working on funding for the project.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that an engineering firm has been selected to design the project from Highway 60 to FM 961.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design.

4. 2019 City Street Improvement Project.

The City has begun the planning process for the 2020 Street Improvement Project. Three times bids were received for the project, however they were higher than the funds available and only one bidder responded. The FEMA streets were re-bid and a contract was awarded for that phase. The City Staff will prepare the 2020 City Street Improvement Project.

After some discussion, no action is taken.

The ninth item on the agenda was to review and consider an update of City of Wharton Grant Programs. Community Development Director Gwyn Teves presented an update of the City of Wharton Grant Programs as follows:

Infrastructure/Construction:

1. HMGP – Warning System Mitigation (Siren Warning System)

Application submitted 10/13/16 under the DR-4269. This project was awarded 02/26/2018 and was accepted by the City Council on 03/26/18. Scope change approval was received February 1, 2019. Befco Engineering was awarded the engineering contract on May 13, 2019 and is in the process of preparing bid documents to go out for bid on equipment and installation.

2. CDBG-DR – Infrastructure

Method of Distribution approved by GLO and HUD. City is designated to receive \$1,650,172.00 for infrastructure projects related to Hurricane Harvey. Project applications are in the process of being completed and submitted by GrantWorks for eligible projects. Applications received no Public Comment and were submitted August 28, 2019. The GLO is currently reviewing the application and we are waiting to receive the approval.

3. HMGP – FEMA Shelter/Dome

HMGP Application submitted by WISD for FEMA Shelter/Dome. Project is under FEMA review and approval. There have been 2 requests for information at this time.

4. 2019-2020 CDBG – South East Ave. Sanitary Sewer Repairs

Application has been submitted and we are awaiting a response.

5. City of Wharton Levee Project – The Lower Colorado River Basin Phase I, Texas WHARTON FLOOD RISK MANAGEMENT PROJECT

The City of Wharton was notified that the Levee project was funded in the early part of 2018. City staff has been meeting with USACE staff monthly on items to be addressed. HDR was selected by the City Council on June 4, 2019. Property owner meeting was held August 8, 2019 and a citizen meeting is still to be scheduled. Acquisition is projected to be in progress by the beginning of September and completed by January 2020. USACE staff has indicated they will be ready for construction beginning Mid-year 2020. USACE is also in the process of contracting design firms for the remaining portions of the Flood Reduction Project and will be working concurrently on this

while phase 1 is in progress. The City and HDR have obtained 68 out of 71 ROE's and has started the surveys and appraisals.

Housing:

6. HMGP – Residential Elevation

Application completed and submitted by GrantWorks Inc. in December 2018. One request for information has been received and responded to at this time.

7. HMGP – Reconstruction of 100 Homes

Application completed and submitted by GrantWorks Inc. in December 2018. One request for information has been received and responded to at this time.

8. HMGP – Residential Mitigation (Elevation/Reconstruction of Homes)

Submitted on 1/20/17 under a second funding opportunity for DR 4272 and we are awaiting a response.

9. TDHCA – HOME Reservation Participation

Applicants are currently being notified of any outstanding paperwork for their applications and are being asked to send this information in to finalize their applications. There were 73 applicants from throughout the city that submitted applications to participate in the program. There are currently 43 still working on applications. There are 7 applicants in title phase and 5 have been fully approved through TDHCA. Five applicants have been awarded funding as of 7/17/19. One applicant has declined the contract. Demo has been completed on the first home and construction will begin the week of October 28th.

10. GLO Community Development and Revitalization Program

The City Council procured GrantWorks, Inc. for administration and Jones & Carter for engineering.

11. FEMA Pre-Disaster Mitigation Grant

Call for application was made on August 11, 2017. The application was submitted 10/30/17 for the Nan Ya Lift Station and we are awaiting a response.

12. CDBG-DR – Buyouts/Acquisitions

Method of Distribution approved by GLO and HUD. City is designated to receive \$1,693,784.00 for buyout/acquisition projects related to Hurricane Harvey. Project application for buyouts was submitted and we are awaiting further information.

13. 2016 CDBG-DR – Housing Elevation/Reconstruction

Notification of \$2,000,000 funding was received by city staff on February 4, 2019. This funding will assist homeowners with elevation, rehabilitation, and reconstruction of homes to address existing damage and mitigate future damage. There was no public comment on the guidelines and needs assessment. 3 applications were taken in October at the first intake. City Staff is working with GrantWorks to schedule a second informational outreach and intake session.

14. TxDOT – Safe Routes to School

The City submitted the Preliminary Application in April 2019. City staff was notified that the preliminary application had been selected for review and City staff met with TxDOT Representative on May 10th. City Staff submitted the detailed application August 15th, 2019. We are currently awaiting award announcements.

Studies:

Other:

15. HMGP – Critical Facility Generators

HMGP Application was submitted on 9/11/18 and we are awaiting a response.

16. FEMA – Temporary Housing Units

City staff is currently aware of 7 THU still in the City. Of those, 5 are working with the WLTRT for repairs or new housing. 1 is working with the GLO HAP program and 1 has a contractor working on their home.

18. Rebuild Texas – 2019 Preparedness Grant

Pre-Application was submitted on February 13, 2019 for AED Units for Public Facilities and Patrol Units and portable and mobile radios for the Public Works department. Project was awarded and City staff is in process of implementing. AED's have been placed in the City buildings and patrol cars and mobile and portable radios are being installed for the Public Works Department.

After some discussion, no action is taken.

The tenth item on the agenda was to review and consider the 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 is taken.

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

- A. Wharton Economic Development Corporation meeting held September 16, 2019.
- B. Public Works Committee Meeting held October 14, 2019.

After some discussion, no action is taken.

The twelfth item on the agenda was to review and consider City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- H. Fire Marshall.
- I. Legal Department.

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| 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 is taken.

The thirteenth item on the agenda was to review and consider the City Manager Travel Reimbursement. City Manager Andres Garza, Jr. presented his request for travel reimbursement. After some discussion, Councilmember Don Mueller moved to approve the City Manager Travel Reimbursement. Councilmember Russell Machann seconded the motion. All voted in favor.

Adjournment.

There being no further discussion, Councilmember Don Mueller moved to adjourn the meeting at 7:31 p.m. Councilmember Russell Machann seconded the motion. All voted in favor.

The meeting adjourned at 7:31 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary