

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
MARCH 9, 2020**

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 Clifford Jackson led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr, City Attorney Paul Webb, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez, Police Chief Terry David Lynch, EMS Director John Kowalik and Community Development Director Gwyn Teves.

Visitors present were: Dr. Jeffery Gubbels, Carol Evans, Debbie Folks with Friends of Wharton Animal Control, Susie Elliott, Emily Foss, Herman Perkins, Lea Kostelnik, Steven L. Roberts, Marquita Perkins, Sheryl Joost, Jessica Hartman, Sandy Sanders, Sherry Smith, Barry Hodges, Paulo Torp, Duria Jackson and Albert Villegas with the Wharton Journal Specator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Barker called for Public Comments.

Ms. Carol Evans stated that she had a home build through a General Land Office (GLO) program and wanted to move the home from its location to property in Wharton County. Ms. Evans requested information on what the criteria would be to keep her home and still be able to move it to a different location.

Wharton Moment.

City Manager Andres Garza, Jr. stated the Wharton High School Boys' Basketball team and the Soccer team had both done well during their season.

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held February 10, 2020 and February 24, 2020. After some discussion, Councilmember Russell Machann moved to approve the reading of the minutes from the regular meetings held February 10, 2020 and February 24, 2020. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider an update on Coronavirus (COVID-19). Dr. Jeff Gubbels, the City of Wharton Health Officer, presented the City Council an update on the Coronavirus. Dr. Gubbels stated the Emergency Medical Department (EMS) was proactive in their approach to protect themselves and the public from the infectious disease. Dr. Gubbels recommended that residents wash their hand and limit contact with others until the virus could be controlled. City Manager Andres Garza, Jr. stated a City of Wharton Infectious Disease Policy would be in place in the coming days.

The third item on the agenda was to review and consider a request by Councilmember Clifford Jackson for the Wharton County Juneteenth Festival, for City Council consideration to approve the following:

- A. Authorization to hold the 10th Annual Juneteenth Festival on Saturday, June 13, 2020 from 8:00 a.m. through 12:00 midnight in the downtown square area.
- B. Use of the City of Wharton stage and City personnel to assemble and dismantle the stage at no cost.
- C. City of Wharton assistance by providing hotel/motel funding for the required security.
- D. City of Wharton assistance in coordinating with Waste Corporation of America for:
 1. Dumpsters to be placed near the Monterey Square in the parking area assigned to The Party Mouse.
 2. A minimum of 30 barrels around Monterey Square.
 3. 600+ wide mouth bags for the barrels.
 4. Additional pick-up of existing dumpsters around Monterey Square.
- E. Waiver of the fees associated with the Temporary Permit for the consumption and possession of Alcoholic Beverages.
- F. City Council authorization to close portions of Houston and Fulton Street from Milam to Burleson Street from 5:00 p.m. on Friday, June 12th through 12:00 Midnight, Saturday, June 13th, 2020 and the section of Houston Street from Burleson Street to Elm Street on Saturday, June 13, 2020 from 6:00 p.m. through 11:30 p.m. and Burleson Street (Highway 60) in accordance with the Traffic Control Plan and to provide all necessary barricades.
- G. Financial Assistance from the City of Wharton in support of the Juneteenth Festival.

H. Ordinance: An ordinance approving the traffic control plan for the 10th Annual Wharton County Juneteenth Festival, authorizing the Police Department to redirect traffic and authorizing the Mayor of the City of Wharton to execute the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way.

City Manager Andres Garza, Jr. presented a copy of the letter dated February 26, 2020 from Councilmember Clifford Jackson for the Wharton County Juneteenth Festival requesting the aforementioned items. City Manager Garza attached presented a draft copy of the Texas Department of Transportation Agreement for the Temporary Closure of State Right of Way and a draft copy of the ordinance approving the traffic control plan for this event. He stated that the City Council had allocated \$2,000 in the 2019-2020 City of Wharton Fiscal Year Budget for the event in which the request for assistance by providing hotel/motel funding for the required security could be utilized. After some discussion, Councilmember Russell Machann moved to approve the aforementioned requests along with item C in which the funding would be for any of the festival's expenses, City of Wharton Ordinance No. 2020-05, read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020 - 05**

AN ORDINANCE APPROVING THE TRAFFIC CONTROL PLAN FOR THE 10TH ANNUAL WHARTON COUNTY JUNETEENTH FESTIVAL, AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE TEXAS DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY.

WHEREAS, The Wharton County Juneteenth Festival Committee Members wishes to hold the 10th Annual Wharton County Juneteenth Festival in the downtown area of the City of Wharton and has requested approval to close portions of State Hwy. 60; and,

WHEREAS, Said festival requires the City of Wharton to close State Highway 60, known as Burleson Street from its intersection of Polk Street to Fulton Street; and,

WHEREAS, The closure will require the detouring of all traffic traveling south on State Highway 60 according to the map (Attachment A) attached to this ordinance; 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; and,

WHEREAS, The City Council wishes to authorize the Mayor of the City of Wharton to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.

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

- Section I.** The traffic control plan for the 10th Annual Wharton County Juneteenth Festival is hereby approved.
- Section II.** The detour route resulting from the closure of State Highway 60 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.** That the Mayor of the City of Wharton is hereby authorized to execute the Agreement for the Temporary Closure of State Right of Way as required by the Texas Department of Transportation.
- Section VII.** This ordinance shall become effective on the 13th day of June 2020 and remain in effect until such time that State Highway 60 is reopened to all traffic.

PASSED, APPROVED AND ADOPTED this 9th day of March 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The fourth item on the agenda was to review and consider a request by Greg Janak for Re-Plat of High School Addition, Lots 4 & 5. City Manager Andres Garza, Jr. presented a copy of an application and a draft re-plat to review and consider by Greg Janak for a Re-Plat of High School Addition, Lots 4 & 5. Community Development Director Gwyn Teves stated the City of Wharton Planning Commission met on March 6, 2020 and were recommending the City Council consider

the request. After some discussion, Councilmember Terry Freese moved to approve the request by Greg Janak for Re-Plat of High School Addition, Lots 4 & 5. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development. City Manager Andres Garza, Jr. presented an application from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development. Community Development Director Gwyn Teves stated the City of Wharton Planning Commission met on March 6, 2020 and were recommending the City Council consider approving the request. After some discussion, Councilmember Clifford Jackson moved to approve the request from Greg Janak, High School Addition, Lots 5A & 5B for a side property line setback variance of 2' 8" residential development. Councilmember Terry Freese seconded the motion. All voted in favor.

The sixth item on the agenda is to review and consider a resolution of the Wharton City Council approving an amendment to the lease agreement between the City of Wharton and Colorado Valley Transit for the property located at Wharton, Block 32, Lot 12; 210 North Cloud Street and authorizing the Mayor of the City of Wharton to execute the contract amendment. City Manager Andred Garza, Jr. stated that the current contract with Colorado Valley Transit would expire on March 10, 2020. City Manager Garza said the contract amendment would be to renew the agreement for a ten (10) year period beginning March 11, 2020 and ending March 10, 2030. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2020-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 – 26**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND COLORADO VALLEY TRANSIT FOR THE PROPERTY LOCATED AT WHARTON, BLOCK 32, LOT 12; 210 NORTH CLOUD STREET AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE AGREEMENT ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, The lease agreement for the property located at Wharton Block 32, Lot 12; 210 North Cloud Street between the City of Wharton and Colorado Valley Transit will expire on March 10, 2020 and could be renewed for an additional seven years upon mutual consent between both parties; and,

WHEREAS, Colorado Valley Transit wishes to make improvements to the maintenance facility located on said property and has applied for funding through the Texas Department of Transportation; and,

WHEREAS, The Texas Department of Transportation has recommended that the contract be amended to be for a ten-year period or longer in order to match the federal investment; and,

WHEREAS, The Wharton City Council wishes to amend the agreement with Colorado Valley Transit as per the States' recommendation; and,

WHEREAS, The City of Wharton and Colorado Valley Transit 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 the agreement.

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

Section I. That the Wharton City Council hereby approves to amend the lease agreement between the City of Wharton and Colorado Valley Transit to be a ten-year agreement.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the contract.

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

Passed, Approved, and Adopted this the 9th day of March 2020.

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 is to review and consider a request from Ms. Debbie Folks for funding for the Friends of Wharton, Texas Animal Control Organization. Ms. Folks addressed the City Council regarding funding for the Friends of Wharton, Texas Animal Control Organization. Ms. Folks stated the organization helped the City of Wharton Animal Control Officer clean the pound, water and feed the animals and helps organize volunteers as well as find homes for the animals. She stated the organization hosts numerous fundraisers and have applied for a grant through the Dobson Foundation to help offset costs. Chief Terry Lynch stated the organization was an asset to the City of Wharton's Animal Control Department. After some discussion, Councilmember Russell Machann moved to approve the Friends of Wharton, Texas Animal

Control Organization's request for funding in the amount of \$5,000. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The eighth item on the agenda is to review and consider a resolution of the Wharton City Council approving the purchase of a new ambulance from Frazer Co., through their licensed franchise dealer, Mac Haik Dodge Chrysler Jeep, through the Houston/Galveston Area Council Cooperative Purchasing Program and authorizing the Mayor of the City of Wharton to execute any and all documents related to said purchases. City Manager Andres Garza, Jr. presented a memorandum from EMS Director John Kowalik to him requesting to purchase a new ambulance from Frazer Co./Mac Haik Dodge Chrysler Jeep in the amount \$178,910.00 through the Houston/Galveston Area Council Cooperation Purchasing Program. EMS Director Kowalik stated he had submitted a grant to the M.G. & Lillie A. Johnson Foundation in the amount of \$100,000.00 towards the replacement. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-27, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-27**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF A NEW AMBULANCE FROM FRAZER CO., THROUGH THEIR LICENSED FRANCHISE DEALER, MAC HAIK DODGE CHRYSLER JEEP, THROUGH THE HOUSTON/GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ANY AND ALL DOCUMENTS RELATED TO SAID PURCHASES.

WHEREAS, The Wharton City Council wishes to approve the purchase of a new ambulance from Frazer Co., through Mac Haik Dodge Chrysler Jeep in the amount of \$178,910.00; and,

WHEREAS, A grant has been submitted to the M.G. & Lillie A. Johnson Foundation in the amount of \$100,000.00 to go towards said purchase; 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 purchase.

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

Section I. That the Wharton City Council hereby approves an agreement with Frazer Co., through Mac Haik Dodge Chrysler Jeep for the purchase of a new ambulance in the amount of \$178,910.00 through the Houston-Galveston Area Council Cooperative Purchasing Program.

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 9th day of March 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

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

1. Appointments:

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

After some discussion, no action was taken.

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

- A. Beautification Commission meeting held February 13, 2020.
- B. Public Works Committee meeting held February 24, 2020.
- C. Parks and Recreation Committee meeting held February 24, 2020.

After some discussion, no action was taken.

Adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 7:39 p.m.

CITY OF WHARTON, TEXAS

By: Tim Barker
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

