

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
SEPTEMBER 9, 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 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 Anandel, City Secretary Paula Favors, TRMC, CPM, and Community Development Director Gwyn Teves.

Visitors present were: Doris Huddleston, Debra Medina, Debbie Cenko, Duria Jackson and Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences. All Councilmembers were present.

Public Comments. No comments were given.

Wharton Moment. Mayor Tim Barker stated the new Tiger Stadium opened and hosted their first home game of the season.

Public Hearings:

Mayor Tim Barker opened the Public Hearing for the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2019 to September 30, 2020 at 7:04 p.m.

No comments were given. There being no further discussion, Mayor Tim Barker closed the Public Hearing at 7:05 p.m.

Mayor Tim Barker opened the Public Hearing on the 2019 Property Tax increase at 7:05 p.m.

Finance Director Joan Anandel stated the proposed 2019 Property Tax increase would set the tax rate at \$0.44535/\$100. No comments were made.

Mayor Barker stated the City Council would vote on the proposed tax rate on Monday, September 30, 2019 at City Hall at 7:00 p.m. There being no further discussion, Mayor Tim Barker closed the Public Hearing on the 2019 Property Tax increase at 7:06 p.m.

Mayor Tim Barker opened the Public Hearing on the proposed annexation to enlarge and extend the boundary limits of said city for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for Annexation at 7:06 p.m.

A. A METES & BOUNDS description of a 121.92 acre tract of land in the George Singleton Survey, Abstract 58, 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 a portion of the westerly right-of-way line of U. S. Highway 59 as being North 18 degrees 04 minutes 55 seconds East (called North 18 degrees 04 minutes 55 seconds East).

No comments were made. There being no further discussion, Mayor Tim Barker closed the Public Hearing on the proposed annexation to enlarge and extend the boundary limits of said city for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for Annexation at 7:07 p.m.

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held August 12, 2019 and August 26, 2019 and special meeting held August 13, 2019. After some discussion, Councilmember Russell Machann moved to approve the reading of the minutes from the regular meetings held August 12, 2019 and August 26, 2019 and special meeting held August 13, 2019. Councilmember Don Mueller seconded the motion. All voted in favor.

The second 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, 2019 to September 30, 2020. City Manager Andres Garza, Jr. stated that during the August 26, 2019 regular City Council meeting the Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2019 to September 30, 2020. Finance Director Joan Andel stated the item was for information only and action was not needed. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from the Wharton Downtown Business Association for the following for the Monterey Wine & Arts Fair on October 12, 2019:

- A. Close Fulton Street between Burleson Street and Milam Street and Houston Street between Burleson Street and the first entrance in Guffey Park from noon until 10:00 p.m. on Saturday, October 12, 2019.
- B. Provide 4 generator light plants for safety for the fair location and Guffey Park parking
- C. Allow open containers for alcohol on city property pursuant to the map attached as coordinated with the Wharton Police Department.
- D. Waive all local permit fees.
- E. Turn on lights locate on top of all buildings in the downtown area.
- F. Provide twelve waste containers and thirty six bags for that day. The Wharton Downtown Business Association will make sure they are periodically emptied during the Fair.

G. Hang Wine Fair banner across Highway 60 at F.M. 1301.

City Manager Andres Garza, Jr. presented a copy of the letter dated from Ms. Deborah Cenko, Treasurer of the Wharton Downtown Business Association providing her request for the aforementioned items. After some discussion, Councilmember Russell Machann moved to approve the aforementioned items A. through G. Councilmember Don Mueller 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 repealing Resolution 2009-82, Passed, Approved and Adopted on September 28, 2009, addressing fees for all credit card services provided to City of Wharton customers and to establish the type of credit cards to be accepted by the City of Wharton. City Manager Andres Garza, Jr. presented a copy of the draft resolution repealing Resolution 2009-82. Finance Director Joan Anandel stated the resolution would repeal the 2% fee for all credit card services including online credit card services. She said the types of credit cards to now be accepted would be Visa and Mastercard. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 - 93**

A RESOLUTION OF THE WHARTON CITY COUNCIL REPEALING RESOLUTION 2009-82, PASSED, APPROVED AND ADOPTED ON SEPTEMBER 28, 2009, ADDRESSING FEES FOR ALL CREDIT CARD SERVICES PROVIDED TO CITY OF WHARTON CUSTOMERS AND TO ESTABLISH THE TYPE OF CREDIT CARDS TO BE ACCEPTED BY THE CITY OF WHARTON.

WHEREAS, The City of Wharton previously passed Resolution 2009-82 on September 28, 2009; and,

WHEREAS, The Wharton City Council wishes to repeal the fees for all credit card services including online credit card services in an effort to recover the costs associated with said services; and,

WHEREAS, The Wharton City Council wishes to repeal the fee to be assessed by credit card customers at 2%; and,

WHEREAS, The Wharton City Council wishes to establish the types of credit cards to be accepted by the City of Wharton as being Visa and Mastercard, credit and debit cards.

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

SECTION I: That the Wharton City Council hereby repeal Resolution 2009-82 by removing the 2% fee to be assessed by City of Wharton customers for all credit card services.

SECTION II. That the Wharton City Council hereby establishes the types of credit cards to be accepted by the City of Wharton as being Visa and Mastercard, credit and debit cards.

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

Passed, Approved, and Adopted this 9th day of September 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the remodeling of City Hall Offices for the Community Development Department to Dream Maker Construction and authorizing the City Manager of the City of Wharton to execute the agreement. City Manager Andres Garza, Jr. stated the Community Development Department had requested a bid from Dream Maker Construction for the renovation of office space due to the additional staff and current limited space. City Manager Garza presented a copy of the bid and proposed rendering of the renovation. Community Development Director Gwyn Teves stated the bid had been reviewed by the Building Official and Finance Director and no objections had been made. Mrs. Teves said Mr. Janik had also stated that payment upon completion of the project would be acceptable. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE REMODELING OF CITY HALL OFFICES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT TO DREAM MAKER CONSTRUCTION AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton wishes to make needed improvements to City Hall for additional office space for the Community Development Department; and,

WHEREAS, Dream Maker Construction was deemed to be the best qualified bid in the amount of \$12,539.00 as per bid specifications; and,

WHEREAS, The Wharton City Council and Dream Maker Construction wishes to be bound by the conditions set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager 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 City Council hereby awards a contract to Dream Maker Construction for the City of Wharton City Hall Improvement Project in the amount of \$12,539.00 as per bid specifications.

Section II. That the City of Wharton and Dream Maker Construction shall hereby be bound by the conditions set forth in said agreement.

Section III. That the City Manager of the City of Wharton is hereby authorized to execute the agreement.

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

Passed, Approved, and Adopted this 9th day of September 2019.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The sixth item on the agenda was to review and consider the Lease for the Dickson Rowan House at Dinosaur Park:

A. Resolution: A resolution of the Wharton City Council terminating the agreement between the City of Wharton and First United Methodist Church for use of the Dickson Rowan House located in Dinosaur Park and authorizing the Mayor of the City of Wharton to execute all documents related to said termination.

B. Resolution: A resolution of the Wharton City Council approving an agreement between the City of Wharton and Hesed House for use of the Dickson Rowan House located in Dinosaur Park and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

City Manager Andres Garza, Jr. stated the City Staff had received a letter from Mr. Henry Baade requesting that the current lease with First United Methodist Church be terminated and transferred to Hesed House, who had their 501(c) 3 Non-Profit designation. City Manager Garza presented a copy of Mr. Baade's letter and the draft lease to execute the agreement with Hesed House, which was being operated by Mrs. Stephanie Konvicka. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2019-95 and 2019-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL TERMINATING THE AGREEMENT BETWEEN THE CITY OF WHARTON AND FIRST UNITED METHODIST CHURCH FOR USE OF THE DICKSON ROWAN HOUSE LOCATED IN DINOSAUR PARK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID TERMINATION.

WHEREAS, The City of Wharton wishes to terminate the contract originally executed November 13, 2018 with First United Methodist Church at their request (Attachment A.); and,

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

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

Section I. That the City Council hereby terminates the agreement between the City of Wharton and First United Methodist Church.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute all required documents related to the termination.

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

Passed, Approved, and Adopted this 9th of September 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-96**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND HESED HOUSE FOR USE OF THE DICKSON ROWAN HOUSE LOCATED IN DINOSAUR PARK AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to approve a contract with Hesed House and to enter into said agreement as per the requirements set forth in said agreement (Attachment A.); and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a contract with Hesed House.

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 the agreement for five years in accordance with the lease agreement between the City of Wharton and Hesed House.

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

Section III. That the City of Wharton and Hesed House are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved, and Adopted this 9th of September 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Clifford Jackson 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 an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division, for the Routine Airport Maintenance Program, TxDOT CSJ No. M2013WHRT, 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. City Manager Andres Garza, Jr. presented a copy of the 2020 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. Finance Director Joan Andel stated the City of Wharton had participated in the RAMP Program in the past years and it was a 50/50 reimbursement. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-97, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-97**

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. M2013WHRT 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 2020 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 2020 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 2020 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 9th day of September 2019.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth 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.

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

- A. Public Works Committee Meeting held August 26, 2019.

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 7:25 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

