

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JUNE 10, 2019**

Mayor Tim Barker 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 Don Mueller 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 and Don Mueller.

Councilmembers absent were: Russell Machann and Steve Schneider.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Attorney Paul Webb, City Secretary Paula Favors, TRMC, CPM, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves and Assistant to the Building Official Claudia Velasquez.

Visitors present were: Larry Pittman, Arnolfo Jaramillo, Duria Jackson, Margartia Perkins, Herman Perkins and Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences. After some discussion, Councilmember Don Mueller moved to excuse Councilmember Russell Machann and Councilmember Steve Schneider. Councilmember Terry Freese seconded the motion. All voted in favor.

Public Comments. No comments were made.

Wharton Moment. Councilmember Don Mueller thanked the City of Wharton employees for their great work handling traffic during the flooding event on June 5, 2019. Mayor Tim Barker stated that the City was blessed to not have received more damage from the heavy rains. City Attorney Paul Webb stated good news of receiving the signed agreement with Colorado Bend I.

The first item on the agenda was to review and consider the appointment of Mayor Pro-Tem. After some discussion, Councilmember Terry Freese moved to appoint Councilmember Don Mueller to the position of Mayor Pro-Tem. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 13, 2019 and May 28, 2019. After some discussion, Clifford Jackson moved to approve the reading of the minutes from the regular meetings held May 13, 2019 and May 28, 2019. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request by Mr. David Farris to Re-Plat 821 Branch St., C.W. Wilson, Block 60, Lot 3 & 4 for residential construction. City Manager Andres Garza, Jr. stated the Planning Commission was recommending approval for the request by Mr. David Farris to Re-Plat 821 Branch St., C.W. Wilson, Block 60, Lot 3 & 4 for residential construction. City Manager Garza presented a memorandum from the Planning Commission and a copy of the draft Re-Plat. Assistant to the Building Official Claudia Velasquez stated the Planning Commission was recommending approval for the request by Mr. David Farris to Re-Plat 821 Branch St., C.W. Wilson, Block 60, Lot 3 & 4 for residential construction. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by Mr. David Farris to Re-Plat 821 Branch St., C.W. Wilson, Block 60, Lot 3 & 4 for residential construction. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request by Eddie Phynon for an exterior setback variance at 317 Sheppard St., Cline, Block 4, Lot 13A & 14A for new residential construction and a variance to construct a residence over a property line dividing two lots own by Eddie Phynon. City Manager Andres Garza, Jr. stated the Planning Commission was recommending approval for the request by Mr. Eddie Phynon for an exterior setback variance at 317 Sheppard St., Cline, Block 4, Lot 13A & 14A for new residential construction. Assistant to the Building Official Claudia Velasquez stated that in addition to the exterior set back there would be a variance to construct a residence over a property line dividing two lots own by Mr. Phynon. City Manager Garza presented a memorandum from the Planning Commission and a copy of the draft variance. After some discussion, Councilmember Terry Freese moved to approve a request by Eddie Phynon for an exterior setback variance at 317 Sheppard St., Cline, Block 4, Lot 13A & 14A for new residential construction and a variance to construct a residence over a property line dividing two lots own by Eddie Phynon. Councilmember Alice Heard-Roberts 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 approving the purchase of AED units from Bound Tree through Buyboard Purchasing Program and the purchase of portable and mobile radios from Motorola Solutions through HGAC and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. City Manager Andres Garza, Jr. presented a memorandum to him from EMS Director John Kowalik regarding the purchase of AED units from Bound Tree through Buyboard Purchasing Program and the purchase of portable and mobile radios from Motorola Solutions through HGAC. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-70, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-70**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF AED UNITS FROM BOUND TREE THROUGH BUYBOARD PURCHASING PROGRAM AND THE PURCHASE OF PORTABLE AND MOBILE RADIOS FROM MOTOROLA SOLUTIONS THROUGH HGAC AND AUTHORIZING THE MAYOR OF

THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The City Staff wishes the City Council to approve the purchase of AED Units and Portable and Mobile Radios; and,

WHEREAS, The City of Wharton is a member of and participates in the Buyboard Purchasing Program and HGAC; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase AED Units and Portable and Mobile Radios; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of AED Units from Bound Tree through Buyboard Purchasing Program and Portable and Mobile Radios from Motorola Solutions through HGAC.

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

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

PASSED AND APPROVED this 10th day of June 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a request from Mr. Henry Baade with the Wharton First United Methodist Church RISE Program requesting the waiver of building permit fees for the construction of a wheelchair ramp located at 302 South Ford Street and 1517 Bailey Street. City Manager Andres Garza, Jr present a request from Mr. Henry Baade with the Wharton

First United Methodist Church RISE Program requesting the waiver of building permit fees for the construction of a wheelchair ramp located at 302 South Ford Street and 1517 Bailey Street. Assistant to the Building Official Claudia Velasquez stated the RISE program would be volunteers that would construct the wheelchair ramp. After some discussion, Councilmember Don Mueller moved to approve the request from Mr. Henry Baade with the Wharton First United Methodist Church RISE Program requesting the waiver of building permit fees for the construction of a wheelchair ramp located at 302 South Ford Street and 1517 Bailey Street. 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 the waiver of permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the flooding event that occurred on June 5, 2019. City Manager Andres Garza, Jr. stated the City Staff was requesting the City Council to consider approval of the City Staff's recommendation to waive the building permit fees for all affected by the flooding. City Manager Garza said the permit requirement would not be waived however, the fee associated with the permit would be waived. After some discussion, Councilmember Terry Freese moved to approve the City of Wharton Resolution No. 2019-71, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 – 71**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE WAIVER OF PERMIT FEES ONLY FOR BUILDING, BUILDING (E), MECHANICAL, PLUMBING OR ANY OTHER FEE ASSOCIATED WITH THE FLOODING EVENT THAT OCCURRED ON JUNE 5, 2019.

WHEREAS, The City of Wharton has received damage from flooding; and,

WHEREAS, The City of Wharton wishes to approve the waiver of permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the flooding event.; and,

WHEREAS, The City Council wishes to authorize the City Staff to waive permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the flooding event.

WHEREAS, The City Council wishes to set a deadline of December 10, 2019 for the waiving of these fees.

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 City Staff of the City of Wharton waive permit fees only for building, building (E), mechanical, plumbing or any other fee associated with the flooding event.

Section II. That the deadline be set for December 10, 2019.

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

Passed, Approved, and Adopted this 10th day of June 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving the City of Wharton Public Works Department to remove debris from the June 5, 2019 Flooding Event and setting a cutoff date. City Manager Andres Garza, Jr. stated the City Staff was requesting the City Council consider approving the Public Works Department to remove debris from the June Flooding Event and set a cutoff date of September 10, 2019. After some discussion, Councilmember Alice Heard-Roberts moved to approve the City of Wharton Resolution No. 2019-72, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2019 – 72

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE CITY OF WHARTON PUBLIC WORKS DEPARTMENT TO REMOVE DEBRIS FROM THE JUNE 5, 2019 FLOODING EVENT AND SETTING A CUTOFF DATE.

WHEREAS, The City of Wharton City Council wishes to approve the Public Works Department to remove debris from the June Flooding Event and set a cutoff date of September 10, 2019; and,

WHEREAS, The City of Wharton City Council wishes to advise all residents that any debris placed after September 10, 2019 will be a pay pile; and,

WHEREAS, The City Council wishes to authorize the City Staff remove debris until September 10, 2019.

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 establishes a cutoff date of September 10, 2019 for the placement of debris associated with the June Flooding Event.
- Section II.** That the City of Wharton City Council wishes to advise all residents that any debris placed after September 10, 2019 will be a pay pile.
- Section III.** The City Council wishes to authorize the City Staff to remove debris until September 10, 2019.
- Section IV.** That this resolution shall become effective upon passage.

Passed, Approved, and Adopted this 10th day of June 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 ninth item on the agenda was to review and consider resolution of the Wharton City Council setting a deadline for the acceptance of the Chapter 43 Texas Local Government Code Development Agreements for areas in the City of Wharton's extra-territorial jurisdiction (ETJ) which have been designated for annexation. City Manager Andres Garza, Jr. stated the Wharton City Council had the authority in accordance with the State of Texas Law to annex property into its Corporate City limits and it was required to offer Chapter 43 Texas Local Government Code Development Agreements in lieu of annexation for property that was subject to an agricultural, wildlife management, or timber ad valorem tax exemption. City Manager Garza said that on May 28, 2019, the City Council approved the development agreements and the City Staff wished to set a deadline of June 30, 2019 for the submittal of Chapter 43 Texas Local Government Code Development agreement by the property owners and after that date agreements would not be

accepted. After some discussion, Councilmember Clifford Jackson moved to approve the City of Wharton Resolution No. 2019-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-73**

A RESOLUTION OF THE WHARTON CITY COUNCIL SETTING A DEADLINE FOR THE ACCEPTANCE OF CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENTS FOR AREAS IN THE CITY OF WHARTON'S EXTRA-TERRITORIAL JURISDICTION (ETJ) WHICH HAVE BEEN DESIGNATED FOR ANNEXATION.

WHEREAS, The Wharton City Council has the authority in accordance with the State of Texas Law to annex property into its Corporate City limits; and,

WHEREAS, The Wharton City Council is required to offer Chapter 43 Texas Local Government Code Development Agreements in lieu of annexation for property that is subject to an agricultural, wildlife management, or timber ad valorem tax exemption; and,

WHEREAS, The Wharton City Council approves setting a deadline of June 30, 2019 for the acceptance of Chapter 43 Texas Local Government Code Development agreement.

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

Section I. The Wharton City Council hereby has the authority in accordance with the State of Texas Law to annex property into its Corporate City limits.

Section II. The Wharton City Council wishes to approve setting a deadline of June 30, 2019 for the acceptance of Chapter 43 Texas Local Government Code Development agreement.

Passed, Approved, and Adopted this the 10th day of June 2019.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider resolution of the Wharton City Council adopting Civil Rights Policies for the Community Development Block Grant Disaster Recovery (CDBG-DR) Funding issued through the Texas General Land Office; and authorizing the Mayor to act as the City's Executive Officer and authorized representative in all matters pertaining to the City's participation in the CDBG-DR Program. City Manager Andres Garza, Jr. stated the City of Wharton had been awarded a Community Development Block Grant - Disaster Recovery (CDBG-DR) grant from the Texas General Land Office. City Manager Garza said the City had to adopt a Civil Rights Policies for the funding and authorize the Mayor to act as the City's Executive Officer. After some discussion, Councilmember Clifford Jackson moved to approve the City of Wharton Resolution No. 2019-74, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-74**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING CIVIL RIGHTS POLICIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) FUNDING ISSUED THROUGH THE TEXAS GENERAL LAND OFFICE; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-DR PROGRAM.

WHEREAS, the City of Wharton, Texas, (hereinafter referred to as "City of Wharton") has been awarded a Community Development Block Grant - Disaster Recovery (CDBG-DR) grant from the Texas General Land Office (hereinafter referred to as "GLO"); and,

WHEREAS, the City of Wharton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-DR activity, on the basis of race, color, religion, sex, national origin, age, or disability; and,

WHEREAS, the City of Wharton, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and,

WHEREAS, the City of Wharton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area; and,

WHEREAS, the City of Wharton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and,

WHEREAS, the City of Wharton, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-DR project; and,

WHEREAS, the City of Wharton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified Individuals with disabilities have access to programs and activities that receive federal funds; and,

WHEREAS, the City of Wharton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing; and,

WHEREAS, the City of Wharton, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of Its employees engaged in the selection, award and administration of contracts; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the CDBG-DR Program.

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

- 1. Citizen Participation Plan and Grievance Procedures;**
- 2. Section 3 Policy;**
- 3. Excessive Force Policy;**
- 4. Limited English Proficiency (LEP) Standards Plan;**
- 5. Section 504 Policy and Grievance Procedures;**
- 6. Code of Conduct Policy; and**
- 7. Fair Housing Policy.**

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

Passed, Approved, and Adopted this 10th day of June 2019.

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

- A. Wharton Economic Development Corporation meeting held May 13, 2019.
- B. Finance Committee meeting held May 23, 2019.
- C. Public Works Committee meeting held May 28, 2019.
- D. Planning Commission meeting held June 4, 2019.

After some discussion, no action was taken.

Adjournment.

There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The meeting adjourned at 7:30 p.m.

CITY OF WHARTON, TEXAS

By: Don Mueller
DON MUELLER
Mayor Pro-Tem

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

