

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
SEPTEMBER 23, 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 Russell Machann 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, Russell Machann and Steve Schneider.

Councilmember absent was: Don Mueller.

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

Visitors present were: Kenneth Johse, Doris Huddleston, Duria Jackson, Kathy Vaureeka and Lonnie Heimann.

Roll Call and Excused Absences.

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

Public Comments.

Mr. Kenneth Johse stated that he had applied for the Wharton Economic Development Corporation Board of Directors and requested the City Council consider appointing him to one of the two vacancies.

Mr. Lonnie Heimann requested information on when the streets in the City would be repaired. He stated that he had damaged two tires driving on the streets near the Von-Wil Ford Dealership. Mr. Heimann also requested drainage issues be corrected near his home on Old Lane City Rd where sewage backs up into his home during heavy rain events.

Wharton Moment.

Mayor Tim Barker stated that he was thankful that the City of Wharton was not affected by the recent rains from Tropical Storm Imelda. Councilmember Russell Machann thanked the

Wharton Volunteer Fire Department for their hard work in saving Prosperity Bank and the Wharton Journal Spectator from a fire that consumed Attorney Ken D. Lipscombe's Office.

Public Hearing

Mayor Tim Barker opened the Public Hearing on the proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2019 to September 30, 2020 at 7:07 p.m.

No comments were given. There being no further discussion, Mayor Tim Barker closed the Public Hearing at 7:08 p.m.

Mayor Tim Barker opened the Public Hearing on the 2019 Property Tax Increase at 7:07 p.m.

Mr. Lonnie Heimann requested taxes not be raised as many lived on fixed incomes.

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 7:10 p.m.

The first item on the agenda was to review and consider the City of Wharton Financial Report for August 2019. Finance Director Joan Andel presented the financial report for the month of August 2019. Mrs. Andel stated that the TexPool balance for August was \$5,668,253.13 with an average monthly yield of 2.17%. She said the Prosperity Bank balance for August 2019 was \$2,995,487.31 with an average monthly yield of .25%. After some discussion, Councilmember Steve Schneider moved to approve the City of Wharton Financial Report for the month of August 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the request from Ms. Pattie Odom, Director of Administration, Wharton County Recovery Team, to place an RV at 1504 Connie Street. City Manager Andres Garza, Jr. presented a copy of the request from Ms. Pattie Odom requesting the placement of an RV at 1504 Connie Street. City Manager Garza stated that the resident had received a grant from Samaritan's Purse to raise and level the home. Finance Director Joan Andel stated Samaritan's Purse anticipated the project would take approximately 7-10 days and they were requesting a two to three-week variance. After some discussion, Councilmember Russell Machann moved to approve the request from Ms. Pattie Odom, Director of Administration, Wharton County Recovery Team, to place an RV at 1504 Connie Street for a maximum of three weeks. Councilmember Steve Schneider 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 awarding a contract for the 2019 Street Project FEMA Areas and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. stated the item would need further review and would be presented at the special City Council meeting on Monday, September 30, 2019. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider the Wharton County Emergency Services District No. 3:

A. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

B. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated September 17, 2019 from City Secretary Paula Favors to him providing the Wharton County Emergency Services District (ESD) No. 3's recommendation that both Items A & B above be considered for approval by the City Council. City Manager Garza presented a draft copy of both agreements respectively and draft resolutions approving each agreement. Mrs. Favors stated the contract would remain the same as in the previous year with the exception of the ESD's pay schedule being amended from one annual payment to three monthly payments beginning December 15, 2019. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-99 and 2019-100, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-99**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, The City of Wharton hereby wishes to enter into an Interlocal Agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to 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 authorizes the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.
- Section II.** That the City of Wharton and the ESD No. 3 shall hereby be 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 23rd day of September 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-100**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, The ESD No. 3 and the City of Wharton 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 Wharton City Council hereby approves an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.
- Section II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day 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 fifth item on the agenda was to review and consider the resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2019 General Assembly. City Manager Andres Garza, Jr. presented a copy of the letter dated September 5, 2019 to Mayor Tim Barker from Mr. Chuck Wemple of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2020 General Assembly. City Manager Garza stated Councilmember Al Bryant served as the City's representative for the 2019 General Assembly from January 2019 to May 2019 and Councilmember Clifford Jackson served as the City's representative for the 2019 General Assembly from May 2019 to present and Councilmember Russell Machann served as the alternate representative. City Manager Garza presented a draft resolution that would be completed once the City Council appointed the City of Wharton representative(s) for the H-GAC 2020 General Assembly. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-101, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-101**

A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2020 GENERAL ASSEMBLY.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS that Councilmember Clifford Jackson be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2020.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Russell Machann.

THAT, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

Passed, Approved, and Adopted this 23rd day of September 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 sixth item on the agenda was to review and consider the resolution of the Wharton City Council authorizing the submission of an application to the National Fitness Campaign for the 2020 Grant Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager Andres Garza, Jr. stated the City staff was contacted by Ms. Cindy Trevino with the National Fitness Campaign about a grant opportunity that was available to the City of Wharton. City Manager Garza stated the program would provide a fitness area at a designated location, provide a grant of \$30,000 and provide assistance with getting local supporting donated funds. Finance Director Joan Andel stated the applications for the grant were due by November 1, 2019 and the City Council Parks & Recreation Committee had met on Monday, September 23, 2019 and were recommending the City Council approve the grant submission. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2019-102, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2019 - 102

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NATIONAL FITNESS CAMPAIGN FOR THE 2020 GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the National Fitness Campaign for the 2020 Grant Program; and,

WHEREAS, The City of Wharton wishes to designate up to \$95,000 in matching funds to the program; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said grant application.

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

SECTION I. The Wharton City Council hereby approves the submittal of the application to the National Fitness Campaign for the 2020 Grant Program.

SECTION II. The Wharton City Council authorizes committing up to \$95,000 in matching funds.

SECTION III. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

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

PASSED, APPROVED, and ADOPTED this 23rd 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 seventh item on the agenda was to review and consider the update of City of Wharton Grant Programs. Finance Director Joan Andel presented Community Development Director Gwyn Teves' 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 levee and will be working concurrently on this while phase 1 is in progress. The City and HDR have obtained 61 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. 5 applicants have been awarded funding as of 7/17/19. 1 subject has declined the contract. Per GrantWorks construction should begin on the first home by October of 2019.

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. The applications are available and GrantWorks will be at City Hall on October 2 & 3, 2019 to assist residents with applications and any questions.

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 were 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.

After some discussion, no action was taken.

The eighth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated September 18, 2019 providing an update on the City of Wharton current projects as of August 31, 2019.

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.
- D. Wharton Economic Development Corporation.

2. Resignations: None.

City Manager Andres Garza, Jr. stated the Wharton Economic Development Corporation Selection Committee met on Monday, September 23, 2019 and were recommending the reappointment of City Councilmember Russell Machann to the board and to advertise for the two open citizen positions with a cutoff deadline of 5 p.m. on October 11th, 2019. After some discussion, Councilmember Clifford Jackson moved to appoint the follows:

D. Wharton Economic Development Corporation.

Term Ending

Russell Machann

September 30, 2021

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

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

- A. Wharton Economic Development Corporation meeting held August 26, 2019.
- B. Airport Board meeting held September 10, 2019.

After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider the City Manager's Reports.

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department / Civic Center.
- D. Emergency Management.
- E. E.M.S. Department.
- F. Facilities Maintenance Department / Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshall.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water / Sewer Department.
- N. Weedy Lots / Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

Executive Session

1. City Council may adjourn into an Executive Session in accordance with Section 551.072 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

- A. Acquisition of Real Estate-GLO-CDBG-DR Buyout Program.

Mayor Tim Barker moved the meeting into Executive Session at 7:34 p.m.

Return to Open Session

1. Action on items discussed in Executive Session:
 - A. Acquisition of Real Estate-GLO-CDBG-DR Buyout Program.

Mayor Tim Barker returned the meeting to Open Session at 8:04 p.m. Mayor Barker stated information only was received.


Adjournment. There being no further discussion, Councilmember Russell Machann moved to adjourn the meeting at 8:04 p.m. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 8:04 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

