

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
AUGUST 23, 2021**

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; and Don Mueller.

Councilmember absent was: Steve Schneider.

Staff members present were: Assistant City Manager, Paula Favors, TRMC, CPM, MMC; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant to the City Manager, Brandi Jimenez; Community Development Director, Gwyn Teves; Emergency Management Coordinator, Steve Johnson and Public Works Director, Anthony Arcidiacono.

Visitors present were: Josh Owens, Executive Director of the Wharton Economic Development Corporation (WEDCo); Wharton Chamber of Commerce Director, Ron Sanders; Daryl Maretka, Debbie Folks, Jessica Hartman, and Matt Breazeale, P.E. with Jones and Carter, Inc.

**Roll Call and Excused Absences.**

Councilmember, Russell Machann moved to excuse Councilmember, Steve Schneider. Councilmember, Terry Freese seconded the motion. All voted in favor.

**Wharton Moment.**

City Attorney, Paul Webb requested that everyone keep the United States Soldiers, the Americans and the Afghanistan's helping the United States that were in Afghanistan in their prayers.

**Public Comments.**

The first item on the agenda was to review and consider the City Manager's submission of the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2021-September 30, 2022. Assistant City Manager, Paula Favors stated that on or about Tuesday, August 24, 2021, City Manager, Joseph R. Pace would file with her the City of Wharton Fiscal Year October 1, 2021 to September 30, 2022 Proposed Budget as required by State Law. Mrs. Favors stated that under separate cover, on Monday, August 23, 2021, the City Council received a copy of the Proposed City Budget as required by Article VI-Section 51 of the City's Charter. After some discussion,

Councilmember, Russell Machann moved to amend the proposed budget to allow \$30,000 to be allocated to the Wharton Chamber of Commerce from the Hotel/Motel fund with the understanding that the Chamber would receive funding requests from organizations throughout the year and would be required to review the requests for festivals and tourism events and assist with funding as needed. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider setting a public hearing date for the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2021-September 30, 2022. Assistant City Manager, Paula Favors stated that under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a public hearing and if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, September 1, 2021, in the Wharton Journal Spectator. Finance Director Joan Anandel stated that she recommends the public hearing be set for the September 13, 2021, Regular City Council meeting. Mrs. Anandel said that this date would comply with Section 53 of the City Charter and State law. After some discussion, Councilmember, Russell Machann moved to approve setting a public hearing date for the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2021-September 30, 2022 for September 13, 2021, Regular City Council meeting. Councilmember, Terry Freese 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 adopting a Proposed Property Tax Rate for the City of Wharton October 1, 2021-September 30, 2022, Fiscal Year Budget as required by state law. Assistant City Manager, Paula Favors presented a copy of the 2021 Tax Rate Calculation Worksheet which was prepared listing the applicable tax rates to be used in consideration of setting the tax rate. Finance Director, Joan Anandel stated the State required the City Council to adopt a proposed rate. Mrs. Anandel said the City of Wharton's proposed budget was based on the Voter Approval Tax Rate of \$0.41917. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Resolution No. 2021-81, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2021-81**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROPOSED PROPERTY TAX RATE FOR THE CITY OF WHARTON OCTOBER 1, 2021-SEPTEMBER 30, 2022 FISCAL YEAR BUDGET AS REQUIRED BY STATE LAW.**

**WHEREAS,** The State of Texas Property Tax Code requires the City Council to approve a tax rate prior to setting a final tax rate; and,

**WHEREAS,** The Wharton City Council wishes to adopt a proposed tax rate prior to setting a final rate; and,

**WHEREAS,** The City Manager of the City of Wharton has submitted to the City Council a

proposed budget for the October 1, 2021-September 30, 2022 Fiscal Year.

**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 wishes to adopt the proposed tax rate as follows:

1. Voter Approval Tax Rate- \$0.41917

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

**Passed, Approved, and Adopted** this 23<sup>rd</sup> day of August 2021.

**CITY OF WHARTON, TEXAS**

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 an ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities & Service, Article III, Solid Waste Disposal Exhibit A; proving that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine and setting an effective date. Assistant City Manager, Paula Favors, presented a copy of a memorandum from Finance Director, Joan Andel regarding solid waste services from WCA. Mrs. Andel stated the solid waste services would increase by three (3) percent beginning October 1, 2021, and this would result in an increase to the residential customers of \$0.64 per month while commercial customers will increase \$0.84 per month. Mrs. Andel presented a copy of an analysis of garbage rates showing current and proposed rates for residential and commercial services as well as the increase in commercial bins. She stated the Finance Committee met on August 23, 2021 and were recommending the City Council consider approving the Ordinance as presented. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Ordinance No. 2021-10, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2021 -10**

**AN ORDINANCE REPEALING AND REPLACING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86 UTILITIES & SERVICE, ARTICLE III, SOLID WASTE DISPOSAL EXHIBIT A; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas, that Chapter 86 Utilities & Service, Article III Solid Waste Disposal Exhibit A shall be replaced as follows:

**SCHEDULE “A”  
Base Rates**

Monthly Residential Waste Collection

\$25.07 per Residential Unit which includes a \$3.00 per month fee.

Monthly Commercial Hand Collection

\$32.29 per Commercial Unit which includes a \$3.50 per month fee.

**Container Service (per month) includes a \$3.50 fee**

2 yd 1xwk	\$ 69.74
2xwk	\$ 125.40
3xwk	\$ 161.22
4xwk	\$ 222.92
5xwk	\$ 277.79
Additional Pick-up	\$ 76.15
3yd 1xwk	\$ 102.87
2xwk	\$ 185.03
3xwk	\$ 247.50
4xwk	\$ 332.65
5xwk	\$ 414.92
Additional Pick-up	\$ 110.39
4yd 1xwk	\$ 128.74
2xwk	\$ 225.16
3xwk	\$ 319.34
4xwk	\$ 442.35
5xwk	\$ 552.06
Additional Pick-up	\$ 138.81

6yd 1xwk	\$ 183.28
2xwk	\$ 351.73
3xwk	\$ 491.46
4xwk	\$ 661.80
5xwk	\$ 826.37
Additional Pick-up	\$ 195.70
8yd 1xwk	\$ 227.36
2xwk	\$ 424.61
3xwk	\$ 635.19
4xwk	\$ 881.20
5xwk	\$ 1100.63
Additional Pick-up	\$ 240.71

**Rates for Roll-offs:**

Delivery Fee	\$ 125.58
Monthly Rental	\$ 150.69
Pull Price (per pull)	\$ 160.44
Disposal Fee-Loose (per yard)	\$ 8.79
Disposal Fee-Compact (per yard)	\$ 10.93

**Rates for Other Services:**

Hourly Rate	\$ 122.97
Disposal per cubic yard	\$ 8.59

**PENALTY**

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

**SEVERABILITY**

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

**EFFECTIVE DATE**

This Ordinance shall become effective at 12:01 a.m. on the 1<sup>st</sup> day of October 2021.

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 23rd day August 2021

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
**City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
**City Attorney**

Councilmember, Russell Machann seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17, 86-18 and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. Assistant City Manager, Paula Favors presented a copy of the memorandum dated August 13, 2021, from Finance Director Joan Anel to City Manager, Joseph R. Pace, regarding the proposed increase in utility rates for customers to be effective October 1, 2021. Mrs. Anel stated that as discussed in the City Council Budget Workshop on August 10, 2021, the proposed budget included a 10% increase in water and sewer rates. After some discussion, Councilmember, Clifford Jackson moved to approve City of Wharton Ordinance No. 2021-11, which read as follows:

**CITY OF WHARTON**  
**ORDINANCE NO. 2021-11**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-15, 86-16, 86-17 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-15, 86-16, 86-17 and 86-21 be amended by the following:

**Section I. Amendment**

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

**Sec. 86-15. - Water and sewer tap charges, deposits, administrative penalties and other charges.**

Water and sewer tap charges, deposits, administrative penalties and other charges shall be as follows:

(1) *Water*. Standard water tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	¾-inch T-off	\$313.82
b.	¾-inch	\$ 627.60
c.	1-inch	\$ 824.85+ cost of meter
d.	1½-inch	\$ 1,237.27+ cost of meter
e.	2-inch	\$ 1,649.55+ cost of meter

Customers must pay for the cost of the meter for taps one inch and larger. Tap fees for taps larger than two inches shall be determined and based on the cost to install plus cost of water meter.

In addition to the standard water tap fee, customers must also pay the city for any and all additional costs associated with installing a water tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a water tap. All main line extensions will require the extension to be extended the width of the property to the next adjacent property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.
2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.
3. Customers will be required to pay the city in advance for any additional costs associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

(2) *Sewer.* Standard sewer tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	4-inch	\$ 627.60
b.	6-inch	\$ 1,030.91

In addition to the standard sewer tap fee, customers must also pay the city for any and all additional costs associated with installing a sewer tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a sewer tap. All main line extensions will require the extension to be extended to the width of the property to the next adjacent



property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.

2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.

3. Customers will be required to pay the city in advance for any additional cost associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

Residential and commercial customers are required to put a sewer clean out at the property line where the city's line ties into the customer's line.

(3) *Deposits.* As a condition of receiving water, sewer and garbage service, the following deposits shall be charged:

a. Deposit amount:

Residential customer.... \$100.00

Residential—Senior citizens.... \$50.00 (60 years or over)

Commercial customer's.... Based on estimated bill \$100.00 minimum

The deposit for all commercial customers including businesses, industrial users, multi-residential units and all others will be based on the estimated water, sewer and garbage charges for one month. If the customer has consumption history, the estimate will be based on a 12-month average. If the customer is a new customer with no consumption history, the estimate will be based on usage of a similar customer and consider the type of garbage service requested. Current deposit amounts will remain for commercial customers until there is a change in ownership or account status.

b. Deposits will not be required for public schools, counties, and other governmental entities.

c. Customers may transfer their deposits from one account to another account if they move from one address to another. The account must have a zero balance or the current balance will be transferred with the deposit and the new service enacted.

d. Customers transferring from one address to another must have paid the maximum deposit or must pay the difference between the deposit paid and the maximum deposit before the deposit can be transferred and the new service enacted.

e. Residential customers' deposits will be refunded by crediting the deposit amount to the customer's account after the customer has completed 24 months with no delinquent payments or no dishonored payments. If the customer has additional active accounts without deposits that have delinquent payments, the deposit will be transferred to one of the other accounts. A new deposit will be required if a customer appears on the cut-off list after the original deposit has been returned.

f. Customers must terminate utility services by providing written authorization signed or emailed by the customer whose name is on the account. In the event that the account is established under more than one name, any one person may authorize the disconnection of service.

g. Customers' deposits will be refunded by crediting the deposit amount to the customer's account when the account is finalized. Any remaining deposit will be mailed to the forwarding address provided by the customer. If the customer has additional active accounts without deposits, the deposit will be transferred to one of the other accounts.

h. Letters of credit are not acceptable in lieu of cash for payment of deposits as required in this section.

i. In the event a current utility service customer requests service at an additional address, the deposit may be waived if the customer has had no more than two delinquent payments on the existing account for the previous 12 months prior to the date of the request. In the event that either the initial account or any additional accounts appear on the cut-off list, an additional deposit will be required for each account.

(4) *Administrative penalty.* If payment is not received on a delinquent account and is placed on the cut-off list and water is due to be or is disconnected, an administrative penalty will be assessed as follows:

Administrative penalty.... \$25.00

(5) *Other charges* include the following:

a. *Late charges.* If payment is not received by the 15th of each month, a penalty will be assessed on the 16th of each month at the rate noted below:

Late charges....5% of balance due

b. *After hours charge.* An afterhours charge will be assessed for a reconnection due to nonpayment requested by the customer that is not between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. Services requested on holidays will also be charged an after-hour charge.

After hours charge.... \$30.00

c. *Charges of damages.* Charges shall also be made for damages to equipment, such as meters, cutoff valves and locks. These charges shall be based on the actual cost of replacement, including labor, where applicable.

d. Industrial *users*. Industrial users may be subject to additional charges and fees, relating to permitting and noncompliance issues, as outlined in article II, Industrial Waste Disposal and Pretreatment, sections 86-41 through 86-78.

e. Restaurants, *food preparation facilities and other commercial users*. Restaurants, food preparation facilities, institutional facilities and other commercial type facilities utilizing grease traps will be subject to a \$100.00 fee for each exceedance of the local oil and grease limit of 100 mg/l. This fee is not a surcharge. The payment of this fee does not authorize the discharge of wastes containing oil and grease in concentrations greater than 100 mg/l. This limit applies only to food grade oils of animal or vegetable origin. The concentration of petroleum-based oil and grease is limited to 15mg/l. The oil and grease exceedance fee will be assessed for each sample result, which indicates an excess oil and grease concentration in sewer discharges from the facility. The city will be responsible for collecting and analyzing all oil and grease samples from grease traps. Oil and grease trap sampling will be conducted on a periodic basis at the city's discretion.

f. Septic *tank waste* hauled or trucked into wastewater treatment plant as outlined in article II, section86-54 will be billed at the following rate:

Fees for hauling waste, per 1,000 gallons.... \$63.53

**Sec. 86-16. - Water service charges.**

(a) The monthly charges for water service rendered by the city shall be as follows:

Volume Charges

First 2,000 gallons (minimum)....	\$28.51
Next 2,000 gallons, per 1,000....	\$5.42
Next 3,000 gallons, per 1,000....	\$5.60
Next 4,000 gallons, per 1,000....	\$5.82
Next 4,000 gallons, per 1,000....	\$6.20
Next 35,000 gallons, per 1,000....	\$6.56
Next 50,000 gallons, per 1,000....	\$6.80
Next 50,000 gallons, per 1,000....	\$7.31
Next 50,000 gallons, per 1,000....	\$7.76

(b) Customers requesting temporary water services (seven-day increments) can apply for a temporary water rate based on the following:

Volume Charges

First 8,000 gallons for seven days....	\$65.86
Over 8,000 gallons, per 1,000....	\$6.02

The temporary water rate is intended as a temporary service for water only and will not be extended for more than 14 consecutive days without a deposit or connection fee being made

in accordance with section 86-2, subsections (4) and (5). The base rate must be paid at the time the service is requested. Additional gallons will be billed after the temporary service is disconnected.

**Sec. 86-17. - Sewer service charges.**

(a) The monthly charges for sanitary sewer services rendered by the city shall be as follows:

Volume	Charges
First 2,000 gallons (minimum)....	\$30.62
Next 2,000 gallons, per 1,000....	\$4.76
Next 3,000 gallons, per 1,000....	\$5.82
Next 4,000 gallons, per 1,000....	\$6.46
Next 4,000 gallons, per 1,000....	\$6.93
Next 35,000 gallons, per 1,000....	\$7.63
Next 50,000 gallons, per 1,000....	\$8.16
Next 50,000 gallons, per 1,000....	\$8.64
Next 50,000 gallons, per 1,000....	\$9.27

(b) Residential customers. Monthly service charges for sewer service are based on the average water consumption for three winter months (December, January and February). The winter averaging is calculated in March and is reflected in the April 1st bill. New residential customers with no historical usage shall be billed for sewer usage based on the average residential customers' usage based on the most current winter averaging.

(c) Regular commercial customers. Monthly service charge for sewer service shall be based on the monthly-metered water usage at the rates set forth above.

**Sec. 86-21. - Bulk water rates.**

(a) Bulk sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) Advance, nonrefundable payment of \$50.00 to the City of Wharton at City Hall for setting the meter connection at the fire hydrant or other appropriate locations as the city may determine; and
- (2) Payment of bulk sales rate of \$109.76 per month for the first 1,000 gallons of water dispensed, or any fraction thereof: \$43.92 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
- (3) Advance, refundable fire hydrant meter deposit payment of \$200.00 to the City of Wharton at City Hall.

(b) Bulk sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) No requirement for payment of meter setting fee; and,
- (2) Payment of bulk sales rate of \$ 109.76 for the first 1,000 gallons of water dispensed, or any fraction thereof; \$43.92 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and,
- (3) No requirement for payment of the \$200.00 fire hydrant meter deposit, however each water dispensation transaction authorized under this section must be prepaid to the City of Wharton at City Hall where a one-day dispensation voucher will be issued for presentation to the water plant operator to authorize a one-day dispensation of a not to exceed amount of water in gallons. The one-day dispensation voucher identifying the cumulative number of gallons purchased will allow for scheduled multiple withdrawals of water, but only during the same City of Wharton working day upon which initial dispensation commences.

Bulk sales water service customers must provide a suitable mobile water containment vessel of sound quality for receiving and hauling water for use or consumption at any location within the Wharton water system.

Public or private volunteer fire fighting organizations that procure water only for fire prevention and control purposes and do not resell such water for other purposes, are exempt from this classification, rates and fees schedule. Contractors constructing City of Wharton Public Works projects requiring potable water for dust control and construction operations shall also be exempt from this classification, rates and fees schedule.

Any \$200.00 refundable fire hydrant meter deposit paid to the City of Wharton may be applied by the City of Wharton to the payment of any bulk sales customer unpaid bills, and when so partially consumed through past-due account application, shall be restored by the bulk sales customer to the original \$200.00 amount.

Bulk sales water service dispensation to consumers having only an occasional need for such water service are encouraged to utilize the permanently installed water meter dispensation point at the Wharton Volunteer Fire Department located on Fulton Street.

Use of the Fulton Street permanently installed water meter dispensation point requires advanced payment by check or cash to the City of Wharton at City Hall and at least four hours advanced scheduling of prospective water withdrawals which shall also only occur during the following city working hours Monday—Friday 9:00 a.m.—12:00 p.m. and 1:00 p.m.—4:00 p.m. (Saturday, Sunday and city holidays excluded).

#### **Severability**

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

**Penalties and Fines**

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

**Effective Date**

This ordinance shall be effective on the 1<sup>st</sup> day of October 2021 at 12:01 a.m.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, this 23rd day of August 2021.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**APPROVED AS:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney

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

The sixth item on the agenda was to review and consider the City of Wharton Financial Report for July 2021. Finance Director, Joan Andel stated that the TexPool balance for July was \$31,003.61 with an average monthly yield of .02%. She said the Prosperity Bank balance for July 2021 was \$23,285,508.08 with an average monthly yield of .50%. After some discussion, Councilmember, Terry Freese moved to approve the City of Wharton Financial Report for the month of June 2021. Councilmember, Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Daryl Maretka on behalf of Back 40 Carwash for a 32' front building line setback variance from the required 35' setback at 725 N. Alabama Rd, Rust 4, Block 14, Lots 1, 2 & 3 for installation of an ice and water vending machine in front of the business. Assistant City Manager, Paula Favors presented a copy of the request by Mr. Daryl Maretka on behalf of Back 40 Carwash for a 32' front building line setback variance from the required 35' setback at 725 N. Alabama Rd, Rust 4, Block 14, Lots 1, 2 & 3 for installation of an ice and water vending machine in front of the business. Community Development, Gwyn Teves stated the Planning Commission met on August 16, 2021 and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Clifford Jackson moved to approve the request by Mr. Daryl Maretka on behalf of Back 40 Carwash for a 32' front building line setback variance from the required 35' setback at 725 N. Alabama Rd, Rust 4, Block 14, Lots 1, 2 & 3 for installation of an ice and water vending machine in front of the business. 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 an extension of the Declaration of Disaster signed on March 16, 2020 in accordance with Texas Government Code §418.108(a). On March 16, 2020, Mayor Tim Barker signed an Emergency Declaration for Public Health Emergency in response to the Covid-19 outbreak which was declared a global pandemic by the World Health Organization. Assistant City Manager, Paula Favors stated that this extension would allow the mayor to perform extraordinary actions, if necessary, to protect the public and pursuant to Texas Government Code 418.108 (b) this declaration would need to be continued or renewed by the City Council within 7 days of issuance. Mrs. Favors said that this was passed on March 23, 2020, and was continued until May 31, 2020, July 31, 2020, September 30, 2020, January 15, 2021, March 31, 2021, and September 1, 2021. Emergency Management, Steve Johnson stated that during this time the disaster continued and many of our citizens, businesses and government continued to be affected. Mr. Johnson said that to continue with the response to this pandemic it was the City Staff's recommendation that the declaration be extended to January 15, 2022, unless rescinded earlier. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Resolution No. 2021-82, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2021-82**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EXTENSION OF THE DECLARATION OF DISASTER SIGNED ON MARCH 16, 2020, IN ACCORDANCE WITH TEXAS GOVERNMENT CODE §418.108(a).**

**WHEREAS,** Beginning in December 2019, a novel coronavirus, now designated "SARS-CoV-2" which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and,

**WHEREAS,** On March 16, 2020, Mayor Tim Barker signed an Emergency Declaration for Public Health Emergency in response to the Covid-19 outbreak which was declared a global Pandemic by the World Health Organization; and,

**WHEREAS,** Pursuant to Texas Government Code 418.108 (b) this declaration would need to be continued or renewed by City Council; and,

**WHEREAS,** This was passed on March 23, 2020 and was continued until May 31, 2020, July 31, 2020, September 30, 2020, January 15, 2021, March 31, 2021 and September 1, 2021; and,

**WHEREAS,** To continue with the response to this pandemic the declaration will be extended until January 15, 2022 or rescinded earlier.

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

**Section I.** That a local state of disaster has been declared for the City of Wharton pursuant to Code §418.108(a) of the Texas Government Code.

**Section II.** Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue until January 15, 2022, from the date of this declaration unless rescinded earlier.

**Section III.** This declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary, pursuant to section 418.108(c) of the Government Code.

**Section IV.** The declaration of a local state of disaster activates the City of Wharton, Texas Emergency Management Plan and activates all other charter, statutory, and ordinance powers vested in me and all officers of the City of Wharton to act for the purposes stated, pursuant to section 418.108(d) of the Government Code.

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

**Passed, Approved, and Adopted** this 23rd day of August 2021.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**



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**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 a resolution of the Wharton City Council authorizing and ratifying the construction of the access road at CR 222-Water Well and Storage Tank Project from E. Contractors USA, LLC and authorizing the City Manager of the City of Wharton to execute all documents related to said ratification. Assistant City Manager, Paula Favors presented a copy of a memorandum from Public Works Director Anthony Arcidiacono regarding the access road to the CR 222 storage tank and water well. Mrs. Favors stated the construction of the access road was under the City's responsibility per the contract and the road needed to be an "All Weather" road so the drilling contractor could get the heavy equipment and drilling platform out to the site. Public Works Director, Anthony Arcidiacono stated that with the current conditions of the road this would not be possible, and the City would be holding up the project from moving forward if the work was not completed. Mr. Arcidiacono said the City Staff reached out to three contractors for quotes and E Contractors was able to provide the lowest and best quote since they were already on site for the site construction. He said the amount of the quote is as follows: E. Contractors USA LLC: \$25,715.25. After some discussion, Councilmember, Russell Machann moved to approve City of Wharton Resolution No. 2021-83, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2021-83**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE CONSTRUCTION OF THE ACCESS ROAD AT CR 222-WATER WELL AND STORAGE TANK PROJECT FROM E. CONTRACTORS USA, LLC AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION.**

**WHEREAS,** The City of Wharton is responsible for the access road at CR 222-Water Well and Storage Tank Project; and,

**WHEREAS,** The City of Wharton had to make repairs due to heavy equipment and drilling platform on the site; and,

**WHEREAS,** With the current condition of the road the heavy equipment and drilling platform would not be possible and the City would be preventing the project from moving forward if the repairs were not completed; and,

**WHEREAS,** The Wharton City Council ratifies the repairs of the work and wishes to authorize the City Manager of the City of Wharton to execute all documents.

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

**Section I.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to the repairs needed for the access road at CR 222-Water Well and Storage Tank Project.

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

**Passed, Approved, and Adopted** this 23rd day of August 2021.

**CITY OF WHARTON, TEXAS**

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 Wharton Flood Reduction Project-Levee:

- A. Resolution: A resolution of the Wharton City Council amending the agreement with Jones and Carter for Engineering Services for the Wharton Levee Private Utility Coordination and authorizing the Mayor of the City of Wharton to execute all documents related to said amendment.
- B. Resolution: A resolution of the Wharton City Council amending the agreement with Jones and Carter for Engineering Services for the City of Wharton Levee Public Utility Design and Construction Observation and authorizing the Mayor of the City of Wharton to execute all documents related to said amendment.

Assistant City Manager, Paula Favors stated that on May 28, 2019, the Wharton City Council awarded the Engineering Services Contract to Jones & Carter for both the Wharton Levee Public Utility Design and Construction Observation and City of Wharton Private Utility Coordination. Mrs. Favors said that Jones and Carter were requesting an amendment to both contracts due to the

extended time taken by United States Army Corp of Engineers (USACE) to complete and provide those designs for reference of the utilities to be relocated and the delay in final plans had resulted in additional time for utility coordination as well as delays in acquisition that had resulted in construction for City utilities to be relocated. Community Development Director, Gwyn Teves stated the contract for the City of Wharton Levee Public Utility Design and Construction Observation was for Basic Compensation Services not to exceed \$167,410.00 and the requested amendment was for an additional \$15,840.00. Mrs. Teves said the contract for the City of Wharton Private Utility Coordination was for Basic Compensation Services not to exceed \$86,130.00 and the requested amendment was for an additional \$5,400.00. After some discussion, Councilmember, Russell Machann moved to approve City of Wharton Resolution No. 2021-84 and No. 2021-85, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2021 - 84**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH JONES AND CARTER FOR ENGINEERING SERVICES FOR THE CITY OF WHARTON LEVEE PRIVATE UTILITY COORDINATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AMENDMENT.**

**WHEREAS,** On May 28, 2019, the Wharton City Council entered into an agreement with Jones and Carter for engineering services for the City of Wharton Private Utility Coordination; and,

**WHEREAS,** On August 23, 2021 the Wharton City Council considered an amendment to the agreement with Jones and Carter for engineering services for the City of Wharton Private Utility Coordination for an additional \$5,400.00; and,

**WHEREAS,** The City of Wharton and Jones and Carter wishes to be bound by the conditions as set forth in the agreement and amendment; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said contract amendment.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the amended agreement with Jones and Carter for engineering services for the City of Wharton Levee Private Utility Coordination in the amount of \$5,400.00.

**Section II.** The City of Wharton and Jones and Carter are hereby bound by the conditions as set forth in the contract amendment.

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

**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of August 2021.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2021 - 85**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH JONES AND CARTER FOR ENGINEERING SERVICES FOR THE CITY OF WHARTON LEVEE PUBLIC UTILITY DESIGN AND CONSTRUCTION OBSERVATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AMENDMENT.**

**WHEREAS,** On May 28, 2019, the Wharton City Council entered into an agreement with Jones and Carter for engineering services for the City of Wharton Public Utility Design and Construction Observation; and,

**WHEREAS,** On August 23, 2021, the Wharton City Council considered an amendment to the agreement with Jones and Carter for engineering services for the City of Wharton Public Utility Design and Construction Observation in the amount of \$15,840.00; and,

**WHEREAS,** The City of Wharton and Jones and Carter wishes to be bound by the conditions as set forth in the agreement and amendment; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said contract amendment.

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the amended agreement with Jones and Carter for engineering services for the City of Wharton Levee Public Utility Design and Construction Observation in the amount of \$15,840.00.

**Section II.** The City of Wharton and Jones and Carter are hereby bound by the conditions as set forth in the contract amendment.

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

**PASSED, APPROVED, and ADOPTED** this 23<sup>rd</sup> day of August 2021.

**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 a resolution of the Wharton City Council approving a utility service agreement with Wharton Economic Development Corporation and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement. Assistant City Manager, Paula Favors stated the item would be presented at a future meeting after further clarification from WEDCO. After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving and adopting the City of Wharton, Texas Wayfinding Signage Design Study prepared by FD2S in coordination with the City of Wharton, Wharton Downtown Business Association, Wharton Economic Development Corporation and Wharton Chamber of Commerce. Assistant City Manager, Paula Favors stated the City of Wharton Community Development Department, in conjunction with Wharton Economic Development Corporation (WEDC), Wharton Downtown Business Association (WDBA), Wharton Chamber of Commerce and other members of the community, participated in the WDBA's Community Branding Study with fd2s, that was funded through donations to the WDBA and WEDC. Mrs. Favors said that on December 14, 2020, the Wharton City Council adopted a new community logo to be utilized as a marketing brand to attract development and investment for the community and the community logo was to

represent the community and be used as a marketing tool, not to replace the City's official government seal. Community Development Director, Gwyn Teves stated the City Staff was recommending the City Council review and adopt the Community Branding Study for staff to be able to implement sign design standards across the city that are uniform in color, font and style and are representative of the city. Mrs. Teves said the City Staff was currently working with WEDCO on assistance with funding for some of the sign implementation and had been working with budgeting some funding as well. After some discussion, Councilmember, Terry Freese moved to approve the resolution of the Wharton City Council approving and adopting the City of Wharton, Texas Wayfinding Signage Design Study prepared by FD2S in coordination with the City of Wharton, Wharton Downtown Business Association, Wharton Economic Development Corporation and Wharton Chamber of Commerce. The motion failed for a lack of a second.

The thirteenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Appendix A Subdivisions; providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for separability and setting an effective date. Community Development Director, Gwyn Teves stated the City Staff was requesting a revision of the City of Wharton Code of Ordinances, Appendix A – Subdivisions. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Ordinance No. 2021-12, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2021-12**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, APPENDIX A - SUBDIVISIONS; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas:

**WHEREAS**, it is the desire of the City of Wharton Code of Ordinances to read as follows:

**APPENDIX A SUBDIVISIONS**

An Ordinance Providing Rules and Regulations Governing the Platting or Replatting of Land into Subdivisions in the City of Wharton and Within Five Miles of the Corporate Limits of the City of Wharton and Requiring Plats and Replats to Conform to Such Rules and Regulations in Order to Procure the Approval of the City Planning Commission, City of Wharton; Providing a Penalty and Savings Clause and Repealing All Conflicting Ordinances.

**Sec. 1. General.**

These regulations shall govern every person, firm, association, or corporation owning any tract of land within the city limits of the City of Wharton who may hereafter develop or divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, streets, alleys, parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

**Sec. 3.5. [Extraterritorial jurisdiction.]**

*3.5.03 Lands lying within the area from one-half mile outside the city limits to one mile outside the city limits, special rules and regulations.*

- A. *Variance number one—Private sanitary sewer systems.* The requirement that the developer install sanitary sewer lines as provided in the subdivision ordinance may be waived by the planning commission, and private or individual sewage disposal systems substituted therefor provided each specific building site is subjected to soil percolation test by the owner or developer, the results of such test to be approved by the City of Wharton building inspection department after complete information is furnished to the city, including the specific number of family units to be built on each specific site. Such percolation test shall conform to the plumbing code of the City of Wharton, Texas, with each disposal field and seepage size to be computed from table E-4 of said code. Each leaching area shall be determined according to table E-5 of the city plumbing code, and each system shall have not less than a 750-gallon septic tank and a 100-gallon grease tank as per table E-1 of said code. If some other type of private sanitary sewer system is desired other than septic tanks, the same must be approved by the city planning commission and city building inspection department after submission of detailed plans and specifications.

**Sec. 4. Procedure.**

*4.01 Preliminary plat.*

7. *Submission.* The planning commission shall be furnished with three legible prints of the preliminary plat and with three copies of a letter of transmittal stating briefly the type of street surfacing, drainage, sanitary facilities, and water supply proposed, and the name and address of the owner or agent and engineer or surveyor, seven days or more before the regular planning commission meeting. These documents shall be filed in the office of the Community Development Department.

*4.02 Final plat.*

After approval of a preliminary plat by the planning commission, a final plat, prepared by a registered engineer or a registered public surveyor and bearing his seal, shall be submitted to said planning commission by filing in the office of the Community Development Department. Such plat shall have all changes and alterations made on it that were required on the previously submitted preliminary plat.

1. *Sheet size and scale.* All final plats shall be drawn in India ink or tracing cloth sheets 24 inches by 30 inches (24" × 30") and to a scale of one-inch equals 100 feet. Where

more than one sheet is required, an index sheet of maximum size 24 inches by 30 inches (24" × 30") shall be filed showing the entire subdivision. Where the area to be developed can be drawn on a sheet one-half size or less with the scale of the drawing remaining one-inch equals 100 feet, a sheet 24 inches by 15 inches (24" × 15") may be used.

10. *Certificate of approval to be placed on the plat.*

"Know all men by these presents:

That I, \_\_\_\_\_, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Wharton, Texas.

"Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the City Planning Commission of the City of Wharton, Texas.

	Chairman
	Secretary

"Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the City Council of the City of Wharton, Texas.

	Mayor
	City Secretary"

16. *Submission.* The planning commission shall be furnished with three legible prints and the original tracing or a reproducible copy of the final plat seven days or more before the regular planning commission meeting. These documents shall be filed in the office of the Community Development Department.

**Sec. 5. General requirements and design standards.**

*5.02 Lots.*

2. *Lot size.* To conform with subdivision ordinance. On the basis of the district in which they lie and the use to which they are to be put, all lots must conform to the regulations of the subdivision ordinance, including minimum area, width, and depth.

*5.07 Improvements.*

1. *Monuments.* Concrete monuments eight inches in diameter and 15 inches long shall be placed at all block corners and at all corners of the boundary lines of a subdivision. The



exact intersection point on the monument shall be marked by a reinforcing bar one-half inch in diameter and 12 inches long embedded in the concrete monument. Intermediate property corners, curve points and angle points shall be marked with a piece of one-half-inch round reinforcing rod driven flush with the finished ground level or lower if necessary, in order to keep same from being disturbed.

2. *Sidewalks.* The subdivider/developer shall install sidewalks on both sides of all streets in the subdivision. Sidewalks shall be designed in accordance with standards on file with the building department. The planning commission may require:
  - a. Installation along one or both sides of specified local streets;
  - b. Installation of sidewalks in locations shown in the comprehensive plan; and
  - c. Sidewalk connections necessary to permit safe pedestrian access to adjoining properties.
  - d. Existing sidewalks that are demolished or damaged will be replaced by developer.

#### *5.10 Penalty.*

Any person violating this ordinance, or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$500.00, and each day that such violation continues shall be considered a separate offense and punishable according.

### **Sec. 6. Engineering and construction standards.**

#### *6.02 Engineering.*

The developer will be required to retain the services of an engineer registered in the State of Texas, whose seal shall be placed on the drawings, for the design and inspection of the drainage, roads and streets, sewer and water facilities within the subdivision.

The services performed by the developer's engineer shall be as designated in the current issue of "Manual of Professional Practice—General Engineering Service," as published by the Texas Society of Professional Engineers and shall include both design and inspection as defined therein.

#### *6.03 Streets.*

All streets will be either reinforced concrete pavement on a compacted subgrade or a flexible base with an asphaltic concrete surface course on a compacted subgrade. Concrete pavement shall be provided with either an integral curb poured with the pavement, or a separate curb constructed on top of, and doveled to, the concrete pavement. Flexible base pavement shall be provided with a combination curb and gutter section.

1. *Alignment, grade and width.* Alignment of streets shall be as hereinbefore stated in General Requirements and Design Standards [section 5].
2. *Grades.* Gutter gradients shall be a minimum of one-quarter of one percent. Crown sections shall slope not less than one-quarter inch per foot for asphaltic concrete and one-eighth inch per foot for Portland cement concrete. The minimum drop around curb return will be one-tenth of one foot. The maximum drop of grade tangents from

opposite direction to a common low point shall not exceed 1½ feet. All gutter grades shall be above the design water surface of ditches and storm sewers. All grade changes with an algebraic difference of one percent or more shall be connected with a vertical curve.

3. *Width.* Minimum width of streets shall be as follows:

Classification	Row width	Street width back-to-back of curb
Major streets	80'	61 ft.
Secondary or feeder streets	60'	39 ft.
Local streets (flexible base)	50'	32 ft.
Local streets (concrete)	50'	30 ft.

4. *Pavement design.* Pavement design shall conform to the following general requirements unless otherwise approved by the planning commission. References to state department of transportation specifications regarding street work are references to the "Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges " most recently adopted by the state department of transportation.
5. *Concrete pavement.* Concrete pavement shall conform to the requirements of the "Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges Standard Specification for Road and Bridge Construction" most recently adopted by the state department of transportation. Concrete pavements shall have a minimum thickness of six inches for local streets and a minimum thickness of seven inches for secondary streets, feeder streets, and major streets. Concrete pavement shall be reinforced with three-eighths-inch deformed bars at 24 inches center to center each way.
6. *Flexible base pavement.* Flexible base pavement shall consist of a base course of the thickness and of the type materials indicated for flexible bases, and shall be surfaced with one of the types of surface courses indicated below:
- a. *Flexible base courses.*
    - Seven inches of compacted cement stabilized shell using 1½ sacks of Portland cement per ton.
    - Eight inches of compacted crushed stone conforming to item 242, state department of transportation, standard specifications.
    - Eight inches of compacted iron ore conforming to item 240, state department of transportation, standard specifications.
    - Six inches of compacted crushed stone conforming to item 242, state department of transportation, standard specifications, provided that the subgrade is lime treated, subject to inspection and approval by the city engineer.

b. *Surface courses.*

One and one-half inches of cold mix limestone rock asphalt pavement conforming to item 330, state department of transportation, standard specifications.

One and one-half inches of hot mix asphaltic concrete pavement conforming to item 340, state department of transportation, standard specifications.

One and one-half inches of hot mix cold laid asphaltic concrete pavement conforming to item 350, state department of transportation, standard specifications.

Two-course surface treatment conforming to item 322, state department of transportation, standard specifications.

7. *Curb and gutter.* Curb and combination curb and gutter shall be constructed of reinforced concrete. Cross section and shapes shall conform to standards on file with the Public Works Department.
8. *Driveways.* Driveway approaches and connections of internal accesses to streets shall conform to standards on file with the Public Works Department.

6.05 *Drainage.*

Adequate drainage shall be provided by developers and their engineers within the limits of subdivisions. The protection of adjoining property shall be considered in the review of plans submitted to the city.

1. *Drainage criteria.*

- a. All drainage plans shall be developed in accordance with the Wharton County Drainage Criteria Manual. Wharton County's manual uses the following terms: "Drainage Regulation Entity"; "Drainage Review Authority"; "Wharton County"; "County or County's"; and "County Engineer". These terms appear throughout the manual so that other governmental entities such as the City of Wharton can adopt the criteria and a county-wide drainage coordination can be achieved.
- b. The City of Wharton hereby adopts the Wharton County Drainage Criteria Manual; therefore, the generic terms mentioned above shall be generally defined as follows unless the specific context of a reference to the "county" should remain:
- i. "Wharton County": City of Wharton.
  - ii. "County" or "county's": City, or city's.
  - iii. "Drainage regulation entity": City of Wharton.
  - iv. "Drainage review authority": City engineer.
  - v. "County engineer": City engineer.
- c. Variances to the Wharton County Drainage Criteria Manual may be granted by the City of Wharton's engineer.

2. *Operations and maintenance plan*

- a. The subdivider shall submit an operations and maintenance plan with the drainage plan. The operations and maintenance plan shall be prepared by a registered engineer and developed in accordance with the Wharton County Drainage Criteria Manual.
- b. The operations and maintenance plan shall include the following:
  - i. An inventory and map of all drainage facilities, including natural and manmade conveyances, which comprise the subdivision's drainage system.
  - ii. Designation of a party or entity responsible for all tasks related to the operations and maintenance of temporary and permanent stormwater controls and drainage facilities identified in the drainage plan.
  - iii. Identification of a funding source for routine and non-routine maintenance, inspections, and repairs to drainage facilities.
  - iv. Schedules and anticipated frequency for required and routine maintenance tasks and self-inspections.
  - v. Design documentation for all stormwater controls and drainage facilities identified in the drainage plan.
  - vi. Anticipated lifespan of all stormwater controls and drainage facilities identified in the drainage plan and timeline for major improvements or replacements.
- c. The Public Works Director or their designee shall review the operations and maintenance plan. The Public Works Director may request additional information or supporting documentation as necessary to ensure and verify compliance with the Wharton County Drainage Criteria Manual.

3. *Responsibility for maintenance.*

- a. *Responsible party.* The subdivider shall designate a responsible party to operate and maintain stormwater controls and drainage facilities serving the subdivision. The responsible party shall monitor and implement the operations and maintenance plan at their own cost.
- b. *Maintenance agreement; deed restriction.* The subdivider shall submit a draft maintenance agreement with the operations and maintenance plan. The maintenance agreement shall be an agreement between the City and the responsible party to ensure adherence to the operations and maintenance plan. The Public Works Director and city attorney shall review and approve the form and content of the agreement prior to approval of the final plat by the planning commission. The responsible party shall record the approved maintenance agreement in the deed records of Wharton County as a property deed restriction to be binding upon all subsequent owners in the subdivision.

- c. *Maintenance by City.* The City may, at its sole discretion, choose to accept responsibility for maintenance and operations of drainage facilities ordinarily held by the responsible party. Stormwater controls and drainage facilities may be dedicated to the city in lieu of a recorded maintenance agreement.

4. *Inspections.*

- a. *Self-inspection.* The responsible party shall regularly inspect the stormwater controls and drainage facilities serving the subdivision. The responsible party shall correct any deficiencies identified during its self-inspection. The responsible party shall inspect facilities:
  - i. At least once each year;
  - ii. Following receipt of a complaint; and
  - iii. Following major storms and storms that could adversely affect the drainage system.
- b. *Right of entry.* The subdivider shall grant the City the right for authorized representatives to access the subdivision's stormwater controls and drainage facilities at reasonable times and in a reasonable manner for inspections. This includes the right to enter a property when there is a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Ordinance. The right of entry shall be documented in the maintenance agreement or other easements permitting the City to access and inspect drainage facilities.
- c. *Recordkeeping.* The responsible party shall maintain records of all inspections and maintenance actions and shall retain the records for a minimum of three years. These records shall be made available to the City during inspection of the facility or upon request. The records shall include:
  - i. Inquiry and complaint forms documenting any drainage facility problems to be addressed by the responsible party;
  - ii. Inspection forms documenting the inspection site, date, and result;
  - iii. Inspection results of all inspections, routine and non-routine, performed;
  - iv. Work orders requiring that the responsible party fulfill maintenance procedures; and
  - v. Maintenance records confirming completion of required drainage facility maintenance.

5. *Enforcement.*

- a. *Notice of violation.* When the Public Works Director or designee determines a violation of this ordinance or maintenance agreement has occurred, the Public Works Director or designee shall notify the responsible party in writing.

- i. The notice of violation shall contain a statement specifying the nature of the violation, a description of the methods needed to bring facilities into compliance with the ordinance or maintenance agreement, the date for the completion of such remedial action, a statement of penalties that may be assessed, and procedures for appeal.
  - ii. Within 30 days of receipt of written notification from the City, the responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the City in the notice. When the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient.
  - iii. A determination of violation may be appealed to the City Manager by filing a written notice of appeal within five (5) business days after the notice of violation.
- b. *Corrective action.* If the responsible party fails or refuses to meet the requirements of this Ordinance or the maintenance agreement, following a notice of violation, the City may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. The City shall keep a detailed accounting of the costs and expenses of performing this work. After proper notice, the City may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.
- c. *Violations and Notice.* Any development activity that is commenced or is conducted contrary to this Ordinance, may be restrained by injunction or otherwise abated in a manner provided by law.
- d. *Penalty.* Any person violating this ordinance, or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$500.00, and each day that such violation continues shall be considered a separate offense and punishable accordingly.

#### 6.06 Water and sewer system.

The developer of the subdivision shall provide all water and sewer lines necessary to properly serve the subdivision and shall insure that: (1) existing and/or new water facilities can supply the required demand for domestic use and for fire flow at the desired pressure; and (2) that existing and/or new sewage facilities are adequate to carry the expected load; and (3) all lines have tracer wires

##### 1. *Sewer lines.*

- a. *Location.* Where the location of the sewer is not clearly defined by dimensions on the drawings, the sewer shall not be closer horizontally than ten feet to a water supply main or service line. Gravity sewer lines passing over water lines shall be

constructed for a distance of ten feet each side of the crossing with no joints with three feet of crossing.

b. *Materials.*

- All pipe used for Sanitary Sewer shall be SDR 26 PVC
- Gravity flow and Pressure rated sewer pipe shall be green.
- Pressure rated PVC sewer pipe and fittings shall conform to the requirements of ASTM D2241 for SDR 26 sewer pipe.
- The pipe shall be joined with an integral bell and spigot type rubber gasketed joint.
- Each integral bell joint shall consist of a formed bell complete with a single rubber gasket.
- Pressure rated PVC pipe shall be installed in accordance with the manufacturer's recommendations and shall not exceed 80% of the manufacturer's recommended maximum deflection.

SHALL NOT USE – ductile iron, cast iron, concrete, clay, steel

All materials used in the construction of sanitary sewer systems shall be approved by the City Engineer and the requirements of the Texas Commission on Environmental Quality. Sewers shall be designed to meet or exceed the pipe manufacturer's recommendations for depth.

- c. *Construction.* Sewers shall be constructed according to the Public Works Director or their designee specifications as to trenching, bedding, backfill, and compaction.
- d. *Manholes.* Manholes shall be spaced a distance not to exceed 400 feet and shall be constructed in accordance with specifications of the Public Works Director or their designee.
- e. *Force mains.*

Force mains shall be:

- Pressure rated PVC sewer pipe and fittings shall conform to the requirements of ASTM D2241 for SDR 26 sewer pipe.
- Installed according to water pipe installation specifications and current TCEQ requirements.

SHALL NOT USE – ductile iron, cast iron, concrete, clay, steel

2. *Water lines.*

- a. *Piping.* All materials used in the construction of public water distribution systems must be in conformance with American Water Works Association (AWWA) and NSF International guidelines.

- Polyvinyl chloride (PVC) pipe shall be manufactured in accordance with AWWA C900 or C905 specifications and shall be minimum DR-18, Pressure Class 235 PSI.
- Pipe shall be furnished with bell and spigot joint with rubber gasket joint conforming to the above specification.
- Spigot ends shall be beveled, and reference marked to facilitate joining and insure proper seating depth.
- Water pipe shall be blue

SHALL NOT USE – ductile iron, cast iron, concrete, clay, steel

## **Sec. 7. Townhouses.**

### *7.02 Definitions.*

*Common area:* An area held, designed and designated principally for the common use of the occupants of a townhouse project.

*Private yard:* An area open space within a townhouse but which is unoccupied and unobstructed by any portion of a structure.

*Townhouse:* A dwelling unit structure having a common wall with one or more adjoining dwelling unit structures.

*Townhouse group:* Two or more contiguous townhouses connected by common walls.

*Townhouse lot:* A parcel of land designed to be developed with a townhouse as that term is defined in the Subdivision Ordinance.

*Townhouse project:* A townhouse development or plan which is submitted and approved by a single special permit, and which is laid out on contiguous land, all uninterrupted by intervening public streets.

## **Sec. 8. Patio homes.**

### *8.02 Definitions.*

*Common area:* An area held, designed and designated principally for the common use of the occupants of a patio home project.

*Patio home:* A single-family dwelling unit structure located on a patio home lot.

*Patio home group:* Six or more contiguous patio home lots.

*Patio home lot:* A parcel of land designed to be developed with a patio home as that term is defined and authorized herein.

*Patio home project:* A patio home development or plan which is submitted and approved by a single special permit, and which is laid out on contiguous land.

*Private yard:* An area open space within a patio home lot but which is unoccupied and unobstructed by any portion of a structure.



*8.03 Patio home requirements.*

Patio homes, as hereinafter limited, may be constructed on approved lots provided they meet the following requirements:

1. Each patio home is located on an individual lot.
2. The following unit and area requirements are complied with:
  - a. That there be at least six units in each patio home project;
  - b. That the patio home project site contains not less than 2,700 square feet of area per unit, including common area, if any;
  - c. That each patio home group shall have not less than six patio home lots, with each patio home lot to have not more than one single-family dwelling unit;
  - d. Individual building permits may be issued for the construction of patio homes on patio home lots one at a time to individual lot owners.

**Sec. 11. Modular home/building.**

*11.01. Definitions.*

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Modular home/building* shall mean a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and the Texas Industrialized Building Code Council and that is installed and used by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term does not include a mobile/manufactured home as defined in the Texas Manufactured Housing Standards Act.

**Fine and Penalty for Violations**

Sec. 18-145. Penalties. Any person violating any of the terms or provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$100.00 nor more than the maximum provided in section 1-5 for each offense. If the terms or provisions of this article are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

**Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be

a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Effective Date**

This Ordinance shall become effective on the 8<sup>th</sup> day of September, 2021.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 23rd day of August, 2021.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney

Councilmember, Russell Machann seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider an ordinance of the City of Wharton, Texas, finding that the portion of Camellia Avenue located between Columbine Avenue at South Outlar Street and Greg Baines Way, within the City of Wharton, is not necessary for public use as a thoroughfare; providing for the vacation, abandonment and closure of the street; and releasing any and all public right, title and interest save and except any required easements. Assistant City Manager, Paula Favors stated the City of Wharton had acquired properties on both sides of

Camellia Avenue and in order to revert the fee title possession of the property under the street back over to the City in order to satisfy the Army Corps real estate division. Mrs. Favors said that the City Staff was requesting the Council abandon a portion of Camellia Avenue. After some discussion, Councilmember, Terry Freese moved to approve City of Wharton Ordinance No. 2021-13, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2021-13**

**AN ORDINANCE OF THE CITY OF WHARTON, TEXAS, FINDING THAT THE PORTION OF CAMELLIA AVENUE LOCATED BETWEEN COLUMBINE AVENUE AT SOUTH OUTLAR STREET AND GREG BAINES WAY, WITHIN THE CITY OF WHARTON, IS NOT NECESSARY FOR PUBLIC USE AS A THOROUGHFARE; PROVIDING FOR THE VACATION, ABANDONMENT AND CLOSURE OF THE STREET; AND RELEASING ANY AND ALL PUBLIC RIGHT, TITLE AND INTEREST SAVE AND EXCEPT ANY REQUIRED EASEMENTS.**

**WHEREAS,** pursuant to Chapter 311 of the Texas Transportation Code, a general-law municipality such as Wharton has exclusive control over the streets of the municipality; and,

**WHEREAS,** pursuant to Chapter 311 of the Texas Transportation Code, the City of Wharton has the authority to vacate, abandon, and close streets within the City; and,

**WHEREAS,** within the City of Wharton there is a portion of Camellia Avenue located between Columbine Avenue at South Outlar Street and Greg Baines Way, described in more detail in *Exhibit A*, (hereafter referred to as the “Street”); and,

**WHEREAS,** the City Council has determined that the portion of the Street is not necessary as a public thoroughfare and has no other public use; and,

**WHEREAS,** the City Council finds that vacating the Street would have no adverse effect on adjacent properties; and,

**WHEREAS,** the City Council has determined that it is in the best interest of the City to vacate, abandon, and close the Street, save and except any required easements.

**NOW THEREFORE, be it ordained by the City Council of the City of Wharton, County of Wharton, State of Texas, that:**

**Section I. Finding of Fact:** That the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if set forth herein at length.

- Section II. Street Closure:** The City Council hereby vacates, abandons, and closes the Street (or portion of a street), which is more particularly described in *Exhibit A*.
- Section III. Abandonment of Rights:** The City Council hereby abandons any and all public rights, titles and interest if any, to the Street (or portion of a street), save and except any required easements.
- Section IV. Land Records:** The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this ordinance in and among the records of the City, and in the land records of Wharton County.
- Section V. Severability:** If any word, article, phrase, paragraph, sentence, clause or provision, and to this end of the provisions of this Ordinance are declared to be severable.
- Section VI. Effective Date:** This Ordinance shall take effect immediately from and after its passage and publications as may be required by governing law.
- Section VII. Proper Notice & Open Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551 of the Texas Government Code.

**PASSED, APPROVED and ADOPTED** this, the 23<sup>rd</sup> day of August 2021, by a cite of \_\_\_\_\_  
(*ayes*) to \_\_\_\_\_ (*nays*) to \_\_\_\_\_ (*abstentions*) of the City Council of the City of Wharton.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney

Councilmember, Russell Machann seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Update of City of Wharton Grant Programs. Assistant City Manager, Paula Favors presented a copy of a memorandum from Community Development Director, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider Update of City of Wharton on-going Projects. Assistant City Manager, Paula Favors presented a memorandum from City Manager, Joseph R. Pace dated August 16, 2021, providing an update on the City of Wharton current projects as of July 31, 2021, 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 online 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 through HDR has begun the process of making offers to property owners.

### **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. The project is listed as one to be funded with the Texas Water Development Board (TWDB) Program for partial assistance.

#### 2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Department is currently working out the details. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition.

#### 3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential drainage 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.

#### **WATER/SEWER IMPROVEMENTS:**

##### 1. On-going Water and Sewer Maintenance Program.

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

##### 2. 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 have been submitted to the USDA for review and have been approved. The City Council and USDA have approved the construction contracts with a preconstruction date being set in the near future. USDA and the City Staff have begun the funding closeout.

#### **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 has received the funding for the project under the State Infrastructure Bank (SIB) Program. TxDOT and the City completing the final plan design. The City has begun the acquisition of property needed 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. 2020 City Street Improvement Project.

The City has begun the 2020 Street Improvement Project. The City of Wharton Public Works Department has prepared approximately 75% of the streets for the Street Program. The seal coating is expected to be completed by August 2021.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held July 19, 2021.
- B. Beautification Commission meeting held August 11, 2021.

After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. Assistant to the City Manager, Brandi Jimenez stated that there were not any appointments or resignations to present. After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider 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 Marshal.
- 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.

The twentieth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Sections 551.072 and 551.074 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. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
  - 1. EMS Director.
- B. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

Mayor, Tim Barker moved the meeting into Executive Session at 7:45 p.m.

The twenty-first item on the agenda was to return to open session:

Action on items discussed in Executive Session:

- A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
  - 1. EMS Director.
- B. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

Mayor, Tim Barker returned the meeting to Open Session at 8:02 p.m. Mayor, Barker stated item B. was information received only. After some discussion, Councilmember, Don Mueller moved to confirm the appointment of Christy Gonzales as the EMS Director. Councilmember, Alice Heard-Roberts seconded the motion. All voted in favor.

**Adjournment.**

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

The meeting adjourned at 8:03 p.m.

**CITY OF WHARTON, TEXAS**

By: *Tim Barker*  
**TIM BARKER**  
Mayor

**ATTEST:**

*Paula Favors*  
**PAULA FAVORS**  
City Secretary

