

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
JUNE 14, 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. City Manager Andres Garza, Jr. led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager Andres Garza, Jr., City Attorney Paul Webb, Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez, Public Works Director Anthony Arcidiacono, Building Official Ronnie Bollom, Community Development Director Gwyn Teves, Assistant to the Community Development Director Krystal Hasselmeier, Assistant to the Finance Director London Davis, Finance Clerk Theresa Wittig, Customer Service Clerk Lynette Masek, Emergency Management Coordinator Steve Johnson, Code Enforcement Officer Jimmy Nickolyn, Interim EMS Director Christy Gonzales and Police Chief Terry David Lynch.

Visitors present were: Marchelle Pettibone, James Perez, Debra Medina, Michael Quinn, Myrvle Lindberg, Rebekah Kirschke Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All members were present.

Public Comments.

Mayor Tim Barker called for Public Comments. No comments were given.

Wharton Moment.

1. Mayor Tim Barker thanked City Manager Andres Garza, Jr. for his 27 years of service to the City of Wharton and stated he was welcome back at any time.
2. Finance Director Joan Anandel thanked City Manager Andres Garza, Jr. for 27 years of service to the City of Wharton and stated the following:

First – you took a chance on us. There are only 6 full time employees out of 100 that have been here longer than you. You gave us an opportunity with a job and we are very grateful. You have brought several City employees up from other departments to increase their job opportunities. You have mentored us, encouraged us to grow and to increase our knowledge of being true public servants. We have all seen that “Public Service” is your true passion.

You have treated all City of Wharton employees like your family. You have “prayed” for us and our families when we have had illnesses or deaths. You were truly concerned and it showed.

We have been thru many disasters in your tenure and you have not left us hanging out to dry – although thru many of them we wished we had been dry. You were there with us thru meeting after meeting and phone call after phone call. Even in the small issues you were only a phone call away and wanted to be kept in the loop no matter the time of day or night.

Thru your time the City has grown – by the many projects that have been completed and numerous ones in the works to make the City a better place. We have benefitted from your knowledge of abatements, 380 agreements, Texas Capital Fund and others to ensure that the City was able to bring major businesses, employers, and housing. You not only look at the present but have looked at the past and have looked into the future so that the City will be prepared. The City of Wharton has not stood still thru your leadership.

Thru your open-door policy – I was able to say “Mr. Garza – I need to talk to you.” Not sure if you cringed when I said this, but you listened and we did have good discussions.

The City has been so fortunate that you have been on so many boards, TML, Small Cities Advisory, TCMA, BCL, and others. We have benefitted greatly from your networking contacts. We sometimes were fortunate to know things before others.

Our Email system may not be working after tonight when City Staff is not receiving emails from you at all hours of the night with information -- or just a note stating “FYI” – meaning, that you are letting us know that you have come across information that we need to read or be aware of. You have a memory like an elephant, you can remember when the City did something from 27 years ago when you got here and almost where to find it. You may be retiring but you don’t need any memory medicine yet.

At every monthly department head meeting – the last item on the agenda was always Beautification and Customer Service – keep your facilities clean and return customer calls even those that are tough. Your ability to handle citizens has been remarkable and we are trying to be like you.

You have always told us all “if in doubt – follow the ordinance. Don’t only do the wise thing but do the right thing.”

Mr. Garza, we all wish we were able to retire like you and to have been able to have done so much.

Lastly, enjoy your retirement and your family and please don't block our phone calls.

Thank you for standing by us through it all. Happy Retirement.

3. City Attorney Paul Webb thanked City Manager Andres Garza, Jr. for his 27 years of a great working relationship of working together for the City of Wharton.
4. City Manger Andres Garza, Jr. thanked the mayor and the current and past City Council members and mayors that he had worked with over the years. City Manager Garza also thanked all City Employees and Department Heads for their work and commitment to the City. He stated that public service was his calling over 44 years ago and he believed what the bible says in that if you ask for wisdom, he will give it to you.
5. Councilmember Don Mueller thanked City Manager Andres Garza, Jr. for his service to the City of Wharton.
6. Councilmember Russell Machann stated that City Manager Andres Garza, Jr. had always been there for him, not only professionally but as a friend too.
7. Councilmember Clifford Jackson stated before becoming a City Councilmember he had heard many negative things about City Manager Garza but not one of them proved to be true and he thanked him for his service.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held May 10, 2021 and May 24, 2021. City Manager Andres Garza, Jr. presented a copy of draft minutes from the regular meetings held May 10, 2021 and May 24, 2021. Councilmember Russell Machann moved to approve the reading of the minutes from the regular meetings held May 10, 2021 and May 24, 2021. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the Wharton County Electric Cooperative, Inc.; Third Reading: Ordinance: An ordinance authorizing the Mayor of the City of Wharton to execute on behalf of the City of Wharton, Texas, an Electric Power Distribution Franchise with Wharton County Electric Cooperative, Inc., and its successors and assigns, to use the Public Right-of Way of the City for the distribution of electric power; providing for a period of grant; for consideration; for construction and relocation of system facilities; for assignment; and for publication in accordance with the authority granted in this ordinance. City Manager Andres Garza, Jr. stated that during the April 26, 2021 Wharton City Council meeting, the City Council was presented with a draft copy of the proposed franchise agreement between the City of Wharton and the Wharton County Electrical Cooperative (WCEC) for electric power distribution. He said the City Charter required that franchise agreements (ordinances) must be read at three separate meetings of the City Council. After some discussion, Councilmember Russell Machann moved to approve the third reading of City of Wharton Ordinance No. 2021-XX, which read as follows:

CITY OF WHARTON ORDINANCE NO. 2021-XX

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ON BEHALF OF THE CITY OF WHARTON, TEXAS, AN ELECTRIC POWER DISTRIBUTION FRANCHISE WITH WHARTON COUNTY ELECTRIC COOPERATIVE, INC., AND ITS SUCCESSORS AND ASSIGNS, TO USE THE PUBLIC RIGHTS-OF-WAY OF THE CITY FOR THE DISTRIBUTION OF ELECTRIC POWER; PROVIDING FOR PERIOD OF GRANT; FOR CONSIDERATION; FOR CONSTRUCTION AND RELOCATION OF SYSTEM FACILITIES; FOR ASSIGNMENT; AND FOR PUBLICATION IN ACCORDANCE WITH THE AUTHORITY GRANTED IN THIS ORDINANCE.

* * *

The following statements are true and correct and constitute the basis upon which the City Council of the City of Wharton, Texas (the "**City**") may pass, approve and adopt this Ordinance:

WHEREAS, Texas Utilities Code § 41.005 provides that "An electric cooperative shall be an electric utility for purposes of Section 182.025, Tax Code, and Section 33.008."; and,

WHEREAS, Texas Utilities Code § 33.008(a) provides that, "a municipality may impose on an electric utility, transmission and distribution utility ... or electric cooperative that provides distribution service within the municipality a reasonable charge as specified in Subsection (b) for the use of a municipal street, alley, or public way to deliver electricity to a retail customer."; and,

WHEREAS, Wharton County Electric Cooperative, Inc. is an "electric cooperative" as that term is defined in the Texas Utilities Code and wishes to use the City of Wharton's streets, alleys, and public ways to deliver electricity to retail customers; and,

WHEREAS, the City of Wharton wishes to grant Wharton County Electric Cooperative, Inc. ("**Company**") the right to use its streets, alleys, and public ways to distribute electricity to retail customers for a reasonable charge; and,

WHEREAS, the City of Wharton finds that the charge provided in this Franchise Agreement is reasonable and comparable to fees charged to other providers; and,

WHEREAS, the City Council has reviewed the terms and conditions of the agreement covering the City's grant of the Franchise to Company ("**Franchise**"), as described with greater specificity below; and,

WHEREAS, the City Council adopts this Franchise Authorizing Ordinance which authorizes the Mayor of the City to execute a Franchise with Company on behalf of the City strictly upon the terms as set forth herein; and,

WHEREAS, City of Wharton finds that the publication of this Ordinance, as required by the City Charter Section 117(b), fully complies with that Charter requirement, with the Franchise being available to the public to review in the City Secretary's Office; and,

WHEREAS, upon passage, approval and adoption of this Ordinance, and after publication and written acceptance by the Company, the Mayor may execute the Franchise on behalf of the City, which Franchise shall include the terms and conditions as described herein; and,

WHEREAS, as set forth herein, the terms and conditions of the Franchise are provided for summary purposes only and are limited in their entirety by the actual terms and conditions of the Franchise to be entered into by and between the City and the Company; capitalized terms not otherwise defined herein shall have the same meaning as set forth in the Franchise.

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

The City Council adopts this Franchise Authorizing Ordinance authorizing the Mayor to execute on behalf of the City a Franchise with Company, which Franchise shall include the following terms and conditions:

The term of the Franchise shall be no longer than ten (10) years;

Company shall provide the City with written acceptance of the Franchise in accordance with its term;

Company shall pay to the City on a quarterly basis a franchise fee in the amount of four percent (4%) of Company's Gross Revenue for the privileges conferred to Company under the Franchise, or the maximum allowed by Section 33.008 of the Texas Utilities Code;

City shall be allowed to review books and records of the Company to verify franchise fee payments;

Company shall agree to abide by with all applicable City ordinances concerning the construction, use, excavation, maintenance, operation, and removal of the Company's electrical system facilities that are in, on or over the public rights-of-way in the City;

Company shall relocate its electrical distribution facilities at its cost for City construction projects;

Company shall indemnify the City;

The Franchise may not be assigned or transferred by Company without the prior written consent of the City, as provided for in the Franchise;

The Franchise shall provide for forfeiture and termination for material breaches;

Venue for disputes shall be in Wharton County;

Company shall distribute electrical power service in full conformity with its tariffs, but only in the areas of the City where the Company is authorized to provide electrical power service.

Upon publication of this Ordinance as required by the City Charter Section 117(b), and written acceptance of the Franchise by Company, the City Council hereby authorized the Mayor to execute on behalf of the City and with Company a Franchise having the terms and conditions as described above.

This Ordinance shall be in full force and effect following its publication in accordance with the City Charter Section 117(b).

Read in full and passed and adopted on first reading at a regular meeting of the City Council of Wharton, Texas, on the 10th day of May 2021, and approved by the Mayor.

APPROVED:

TIM BARKER
MAYOR OF THE CITY OF
WHARTON, TEXAS

ATTEST:

PAULA FAVORS
CITY SECRETARY OF WHARTON, TEXAS

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

The third item on the agenda was to review and consider a request from Mr. Michael Quinn and Mr. Myrvle Lindberg, Jr. for removal of trees located behind their homes in the City Alleyway. City Manager Andres Garza, Jr. presented a copy of the requests from Mr. Michael Quinn and Mr. Myrvle Lindberg, Jr. regarding the large amount of vegetation that was located behind their homes in the City Alleyway. City Manager Garza stated that Mr. Quinn stated in his letter that there were five (5) large hackberry trees that continue to lose large limbs and have a high risk of falling over. City Secretary Paula Favors stated that after research of the original development of both properties, it was discovered that the homes in the area were platted with a 10' Alleyway on the backside of the properties. Mrs. Favors said the City Alleyway had over the years been taken in by some property owners and was no longer accessible as the public right of way it was platted for. She said Public Works Director Anthony Arcidiacono and Streets Superintendent Roderick Semien were able to take photographs of the area in question and request an estimate for tree removal from R.J.K. Tree Trimming and Removal, L.L.C. in the amount of \$6,000 to remove five (5) trees and grind down stumps. Mrs. Favors said that both Mr. Quinn and Mr. Lindberg had

offered to allow R.J.K. to access through their respective properties, the trees for removal and both had been made aware that a Right of Entry and Release of Liability would be required, if the removal was approved by City Council. After some discussion, Councilmember Russell Machann moved to place the item on a future City Council agenda so additional information could be gathered. Councilmember Don Mueller seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. James Perez of Just Do It Now, Inc., for a Just Do It Now & Restoration City Crawfish Boil Fundraiser on June 26, 2021 for the following:

1. Close Houston Street between Milam Street and Caney Street from 12:00 p.m. until 10:00 p.m. Saturday, June 26, 2021; close Polk Street from Milam Street to Hawes Street from 12:00 p.m. until 10:00 p.m.; close Polk Street from Caney Street to Hawes Street from 8:00 a.m. to 10:00 p.m.; close Caney Street from Houston Street to Polk Street from 12:00 p.m. to 10:00 p.m.
2. Closure Guffey Park from 12:00 p.m. to 10:00 p.m.
3. Provide two (2) generator light plants for safety and cleanup after the event.
4. Allow open containers for alcohol on city property pursuant to the map attached and coordinated with Wharton Police Department.
5. Waive all local permit fees.
6. Provide waste containers and trash bags for the day.
7. Provide additional police protection (4 officers for 7 hours).

City Manager Andres Garza, Jr. presented a copy of the request from Mr. James Perez of Just Do It Now, Inc., for a Just Do It Now & Restoration City Crawfish Boil Fundraiser on June 26, 2021. City Manager Garza stated Mr. Perez was requesting to allow open containers in Guffey Park which would be sold on private property adjacent to Guffey Park pending TABC approval of his application for the event. After some discussion, Councilmember Russell Machann moved to approve afore mentioned items #1 through #6. Councilmember Don Mueller seconded the motion. Councilmember Alice Heard-Roberts and Councilmember Clifford Jackson voted against the motion. Councilmember Steve Schneider, Councilmember Terry Freese, Councilmember Don Mueller and Councilmember Russell Machann voted in favor. The motion passed.

The fifth item on the agenda was to review and consider a request from the Wharton Farmers Market for use of Guffey Park. City Manager Andres Garza, Jr. presented a copy of the request from the Wharton Farmers Market for the use of Guffey Park. City Manager Garza stated the Farmers Market was granted use of Guffey Park back in February 2021 with the Spring season beginning April 3rd and ending June 19th and Fall season beginning October 23rd ending December 18, 2021. Ms. Marchelle Pettibone with the Wharton County Farmers Market stated the Farmers Market was requesting use of Guffey Park until July 31st for the spring season and also extending the Fall season from September 25th and ending December 18, 2021. After some discussion, Councilmember Terry Freese moved to approve a request from the Wharton Farmers Market for use of Guffey Park until July 31st for the spring season and also extending the Fall season from September 25th and ending December 18, 2021. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from the Wharton Downtown Business Association for a monthly event every 3rd Thursday. City Manager Andres Garza, Jr. presented a copy of a request from the Wharton Downtown Business Association for a monthly event every 3rd Thursday. City Manager Garza stated the event was to offer entertainment and pop-up night shopping along the 100 Block of West Milam and the 100 Block of South Houston Street. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider a request by Mrs. Kristi Kocian on behalf of Custom Creations for a 0' side building line setback variance from the required 5' setback at 202 N. Houston St, Hawes, Block C, Lots 7B & 8B for installation of a carport behind the business. City Manager Andres Garza, Jr. presented a copy of a request by Mrs. Kristi Kocian on behalf of Custom Creations for a 0' side building line setback variance from the required 5' setback at 202 N. Houston St, Hawes, Block C, Lots 7B & 8B for installation of a carport behind the business. City Manager Garza stated the Planning Commission met on June 7, 2021 and voted to recommend this item to the City Council for consideration. Councilmember Russell Machann moved to approve request by Mrs. Kristi Kocian on behalf of Custom Creations for a 0' side building line setback variance from the required 5' setback at 202 N. Houston St, Hawes, Block C, Lots 7B & 8B for installation of a carport behind the business. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an application by Integrity Alliance Partners LLC for an Ambulance Provider Permit. City Manager Andres Garza, Jr. presented a copy of the Ambulance Provider Permit Application submitted by Integrity Alliance Partners LLC to provide emergency medical services in the City of Wharton and a copy of a memorandum from City Attorney Paul Webb to City Secretary Paula Favors informing her that Texas Department of Health and Integrity Alliance Partners LLC was currently certified and in good standing with the Texas Department of State Health Services. Mrs. Favors stated EMS Director John Kowalik also reviewed the application and was recommending approval of the permit. After some discussion, Councilmember Terry Freese moved to approve the application by Integrity Alliance Partners LLC for an Ambulance Provider Permit. Councilmember Alice Heard-Roberts 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 adopting the City of Wharton Grant Policy and Procedures and setting an effective date. City Manager Andres Garza, Jr. presented a copy of a memorandum to him from Finance Director Joan Anandel regarding the City of Wharton Grant Policies and Procedures. City Manager Garza stated the Policies and Procedures were necessary to update grant policies and procedures to be in compliance with the City's grant programs. Mrs. Anandel stated the policies and procedures had been reviewed by Community Development Director, Gwyn Teves and Lieutenant Ben Guanajuato, who handled the police department TxDOT grants and they were in agreement with them. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2021-54, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2021-54**

RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON GRANT POLICY AND PROCEDURES AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton is required to have grant policies and procedures to be in compliance with 2 CFR 200 and to adopt these policies and procedures to be eligible for grant funding; and,

WHEREAS, The City Council will review and adopt, by resolution, the Grant Policy and Procedures for the City of Wharton; and,

WHEREAS, The attached Grant Policy and Procedures complies with the requirements and allows the City to participate in grant funding.

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

Section I. The City of Wharton has complied with the requirements of 2 CFR 200, and the policy attached as “Exhibit A” is hereby adopted as the Grant Policy and Procedures of the City of Wharton effective June 14, 2021.

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

Passed, Approved, and Adopted this 14th day of June 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 a resolution of the Wharton City Council authorizing the City Manager to purchase automatic tank gauge equipment for the Public Works Department from Liberty Equipment and authorizing the City Manager to execute all documents related to said purchase. City Manager Andres Garza, Jr. stated the automatic tank gauge (ATG)

fuel system at Public Works was in need of replacement for both unleaded and diesel fuel. City Manager Garza said the current ATG was installed in January 2002 and in 2019, the required documentation for the leak test report for the past 12 months was reviewed by TCEQ and it was determined that for 3 months the City did not have a passing test for unleaded or diesel. Finance Director Joan Andel stated that at that time TCEQ did not issue a violation but advised that the ATG system needed to be replaced. Public Works Director Anthony Arcidiacono stated TCEQ was also requiring that the City perform 30-day walkthrough inspections for the detection equipment which included: testing the alarms, reviewing records for release detection as well as other requirements that have to be done annually. He said the Public Works Department was requesting to purchase from Liberty Equipment, the vendor that they currently use, the new equipment attached which will include both hardware and software for the items needed outside at the pumps as well as the items needed inside the building for monitoring purposes and the purchase would be shared by all departments who utilize fuel from the Public Works department. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2021-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2021-55**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE AUTOMATIC TANK GAUGE EQUIPMENT FOR THE PUBLIC WORKS DEPARTMENT FROM LIBERTY EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Public Works Department is requesting automatic tank gauge equipment from Liberty Equipment; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase the automatic tank gauge equipment in the amount of \$32,008.50 from Liberty Equipment; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to execute the agreement related to the purchase of the automatic tank gauge equipment.

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

SECTION I. The Wharton City Council hereby authorizes the City Manager to purchase automatic tank gauge equipment from Liberty Equipment.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the automatic tank gauge equipment.

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

PASSED AND APPROVED this 14th day of June 2021.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Russell Machann 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 awarding the contract for the City of Wharton Bank Depository Services and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. stated that on June 2, 2021 at 2:00 p.m., the City opened proposals received for banking depository services. City Manager Garza said the staff sent out proposal forms to all five local entities and received one proposal from Prosperity Bank. Finance Director Joan Anandel stated the City had used Prosperity for at least ten years and it was her recommendation that the City Council considering accepting Prosperity Bank's proposal effective October 1, 2021 for a period of three years with the option to renew for two additional one-year periods. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2021-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2021-56**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING THE CONTRACT FOR THE CITY OF WHARTON BANK DEPOSITORY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, On June 2, 2021, the City of Wharton received proposals for the City of Wharton Bank Depository Services; and,

WHEREAS, The Wharton City Council wishes to award the bid to Prosperity Bank in accordance with said bid specifications; and,

WHEREAS, The City of Wharton and Prosperity Bank wishes to be bound by the conditions as set forth in the agreement; and,

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

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

- Section I.** That the Wharton City Council hereby approves the Bank Depository Services Agreement between the City of Wharton and Prosperity Bank.
- Section II.** That the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas to execute all documents related to said contract.
- Section. III.** That Prosperity Bank and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 14th day of June 2021.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider the City of Wharton Prosperity Bank Accounts, TexPool Account and TexasGulf Federal Credit Union Account authorizing designated signators. City Manager Andres Garza, Jr. presented a copy of a memorandum from Finance Director Joan Anandel regarding the City of Wharton Prosperity Bank Accounts, TexPool Account and TexasGulf Federal Credit Union Account. Mrs. Anandel stated that effective June 15, 2021, City Manager Andres Garza, Jr. would be deleted from the above-mentioned accounts and Mr. Joseph R. Pace would be added as a signatory. She said the City would also need to get a Prosperity Bank credit card in Mr. Pace's name and have Mr. Garza's current card terminated. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2021-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2021-57**

CITY OF WHARTON PROSPERITY BANK ACCOUNTS, TEXPOOL ACCOUNT AND TEXASGULF FEDERAL CREDIT UNION ACCOUNT AUTHORIZING DESIGNATED SIGNATORS.

Resolved that the City Council of the City of Wharton, Texas hereby authorize the following officers of the City of Wharton to the City's Prosperity Bank accounts, TexPool account, and TexasGulf Federal Credit Union:

1. Joseph R. Pace, City Manager

Signature

2. Joan Andel, Finance Director

Signature

3. Tim Barker, Mayor

Signature

That effective June 15, 2021, the above listed City officials are the authorized signatures to the City of Wharton's Prosperity bank accounts, TexPool account, and TexasGulf Credit Union account.

That this resolution shall become effective June 14, 2021.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 14th day of June 2021.

CITY OF WHARTON

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for acquisition services for the CDBG-DR Hurricane Buyout Project and authorizing the Mayor of the City of Wharton to execute all documents to said contract. City Manager Andres Garza, Jr. stated that on October 10, 2018, the Mayor was notified that the City had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by HGAC, was as follows:

- Local Buyout/Acquisition - \$1,693,784.00

City Manager Garza said the City contracted GrantWorks, Inc. for administration which allowed the City to begin acquisition for flood prone areas. Community Development Director Gwyn Teves stated in accordance with state and federal guidelines the City solicited for Acquisition Services in April 2021 and received only 1 response from HDR on May 11, 2021. Mrs. Teves said that after conferring with the General Land Office, it had been determined that the single response was not sufficient to meet the grant requirements. She said the City Council re-issued the request for qualifications on May 24, 2021 and two proposals were submitted on Monday, June 7th, 2021. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2021-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2021-58**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR ACQUISITION SERVICES FOR THE CDBG-DR HURRICANE HARVEY BUYOUT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract for Acquisition Services for the CDBG-DR Hurricane Harvey Buyout Project with HDR; and,

WHEREAS, The City of Wharton and HDR 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 said contract.

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 an agreement with HDR for Acquisition Services for the CDBG-DR Hurricane Harvey Buyout Project.

Section II. The City of Wharton and HDR are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 14th day of June 2021.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider City Manager purchase of electronic equipment. City Manager Andres Garza, Jr. presented a copy of a memorandum to him from Finance Director Joan Anandel regarding his request to purchase a Microsoft Surface computer and cell phone from the City of Wharton. City Secretary, Paula Favors stated that she had researched the value of the computer and the trade in value is \$50.00. Mrs. Anandel stated the City could purchase a replacement phone for \$0.99. She said it was the City Staff's recommendation that the offer to buy both the Surface computer and the cell phone be \$51.00. After some discussion, Councilmember Russell Machann moved to approve the request for the City Manager to purchase the electronic equipment of a Surface computer and cell phone for \$1.00. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, Councilmember Terry Freese moved to appoint the following:

Mayor's Committee on People with Disabilities. Term Expiring:
Marilyn Sebesta June 30, 2023

Wharton Housing Finance Corporation. June 30, 2023
Gary Nunez Position 5 District 5

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

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

- A. Housing Committee meeting May 24, 2021.
- B. Airport Board meeting held June 8, 2021.

After some discussion, no action was taken.

Executive Session

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:

- 1. Acquisition of Real Property – Wharton Flood Reduction Project-Levee.

Mayor Tim Barker moved the meeting into Closed Session at 8:13 p.m.

Return to Open Session

Action on items discussed in Executive Session:

- 2. Acquisition of Real Property – Wharton Flood Reduction Project-Levee.

Mayor Tim Barker returned the meeting to Open Session at 8:42 p.m. Mayor Barker stated information only was received.

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 8:42 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:



PAULA FAVORS
City Secretary

