

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 13, 2019**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Alice Heard-Roberts, Russell Machann and Don Mueller.

Councilmember absent was: Steve Schneider.

Staff members present were: City Manager Andres Garza, Jr, Finance Director Joan Anandel, City Attorney Paul Webb, City Secretary Paula Favors, TRMC, CPM, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves, Public Works Director John Plaia and Police Chief Terry David Lynch.

Visitors present were: Clifford Jackson, Councilmember District 1 – Elect, Josie Munoz, Virginia Grudziecke, Mozelle Stephens, Loretta Craft, Steve L. Roberts, Kathy Brooks, Alexis Brooks, Ethel Garrett, A.J. Joiner, Walter Garrett, Mary A. Barnes, Bill Coleman, Isaiah Coleman, Lawrence Ragston, Duria Jackson, Joy Hayes, Thelma Hughes, Alice Jordan, I.O. Coleman, Carmen Scarlett, Ron Sanders, Executive Director of the Wharton Chamber of Commerce and Albert Villegas with the Wharton Journal Spectator.

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

Public Comments. No comments were made.

Wharton Moment. Mayor Tim Barker thanked Councilmember Al Bryant for this ten (10) years of service as a Councilmember to the City of Wharton and presented him with a plaque.

The first item on the agenda was to review and consider an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 4, 2019.

Ordenanza: Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebros el 4 de mayo de 2019.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter 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 resolution 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.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 13th of **May 2019**.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The second item on the agenda was to review and consider Administer: Oath of Office to Elected Officials: Councilmembers Clifford Jackson, Terry Freese and Russell Machann. City Attorney Paul Webb administered the oaths of office to Councilmembers Clifford Jackson, Terry Freese and Russell Machann.

At this time, Councilmember Clifford Jackson took his seat at the City Council dais.

The third item on the agenda was to review and consider a resolution setting a date, time and place for a Public Hearing on the proposed annexation of certain property by the City of Wharton, Texas and authorizing and directing the City Secretary to publish notice of such public hearing. City Manager Andres Garza, Jr. presented a draft resolution for setting a date, time and place for a Public Hearing on the proposed annexation of the certain property. After some

discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution NO. 2019-50, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-50**

A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF WHARTON, TEXAS, AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.

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

SECTION 1. On the 3rd day of June 2019, at 7:00 p.m. o'clock and on the 17th day of June 2019 at 7:00 p.m. o'clock, in the City Council Chambers of the City Hall 120 East Caney Street of the City of Wharton, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Wharton, Texas of the following described property, to-wit:

- **Exhibit A – As Attached**
- **Exhibit B – As Attached**
- **Exhibit C – As Attached**

SECTION 2. The City Secretary of the City of Wharton, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

PASSED AND APPROVED this the 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

Wharton City Council Regular Meeting
May 13, 2019

The fourth item on the agenda was to review and consider the reading of the minutes from the regular meetings held April 8, 2019 and April 22, 2019 and special meetings held April 15, 2019 and April 29, 2019. After some discussion, Councilmember Don Mueller moved to approve the reading of the minutes from the regular meetings held April 8, 2019 and April 22, 2019 and special meetings held April 15, 2019 and April 29, 2019. Councilmember Russell Machann seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the Citywide Garage Sale and 1st Annual Pick & Flip:

- A. Guffey Park and the City Hall Parking Lot, Friday and Saturday, May 31, 2019 and June 1, 2019 for the 10th Annual Citywide Garage Sale.
- B. Guffey Park, Saturday, June 1, 2019 for the First Annual Pick and Flip.
- C. The electricity be turned on at Guffey Park on Saturday, June 1, 2019 only.
- D. Three trash cans be put in place on the north side of Guffey Park on Saturday, June 1, 2019 only.
- E. Allow food trucks on either day at Guffey Park.

City Manager Andres Garza, Jr. presented a copy of a request from Mr. Ron Sanders for the above mentioned for the Citywide Garage Sale and 1st Annual Pick & Flip on Friday, May 31, 2019 and Saturday, June 1, 2019. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request from Mr. Ron Sanders for the above mentioned for the Citywide Garage Sale and 1st Annual Pick & Flip on Friday, May 31, 2019 and Saturday, June 1, 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for funding for the 1st Annual Texas Salsa Showdown. City Manager Andres Garza, Jr. presented a copy of a letter from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce requesting \$4,000.00 in support of the 1st Annual Texas Salsa Showdown. City Manager Garza stated the City Council Finance Committee met on Monday, May 13, 2019 at 5:30 p.m. and were recommending the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for funding for the 1st Annual Texas Salsa Showdown in the amount of \$4,000. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by John & Virginia Grudziecke to Re-Plat 305 S. East Ave., Wharton, Block 58, Lots 1,2. City Manager Andres Garza, Jr. stated the Planning Commission was recommending approval for the request by John & Virginia Grudziecke to Re-Plat 305 S. East Ave., Wharton, Block 58, Lots 1,2. City Manager Garza presented a copy of a memorandum from the Planning Commission and a copy of the draft Re-Plat. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by John & Virginia Grudziecke to Re-Plat 305 S. East Ave.,

Wharton, Block 58, Lots 1,2. Councilmember Terry Freese seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Willia M. Allen for a front building line setback variance at 708 Branch St., Wharton A. Jackson, Block 60A, Lot 29A for construction of a carport. City Manager Andres Garza, Jr. stated the Planning Commission was recommending approval for the request by Willia M. Allen for a front building line setback variance at 708 Branch St., Wharton A. Jackson, Block 60A, Lot 29A for construction of a carport using Option #2 as noted on the site plan. City Manager Garza presented a copy of a memorandum from the Planning Commission and a copy of the application and site plan. After some discussion, Councilmember Terry Freese moved to approve the request by Willia M. Allen for a front building line setback variance at 708 Branch St., Wharton A. Jackson, Block 60A, Lot 29A for construction of a carport. 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 approving the purchase of playground equipment for the Wharton City Pool from Kraftsman Commercial Playgrounds and Water Park through Buyboard Purchasing Cooperative and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. City Manager Andres Garza, Jr. presented a copy of a memorandum to him from Mr. Bob Baker, Facilities Maintenance Director, regarding the purchase of playground equipment for the City of Wharton Pool in the amount of \$35,718.89. Finance Director Joan Andel stated the equipment would be funded through the annual parks and pool maintenance allocation from the Wharton Economic Development Corporation. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-51, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-51**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR THE WHARTON CITY POOL FROM KRAFTSMAN COMMERCIAL PLAYGROUNDS AND WATER PARK THROUGH BUYBOARD PURCHASING COOPERATIVE AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Facilities Maintenance Department wishes the City Council to approve the purchase of playground equipment for the Wharton City Pool from Kraftsman Commercial Playgrounds and Water Park through Buyboard Cooperative Purchasing Program; and,

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

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase playground equipment for the Wharton City Pool from Kraftsman Commercial

Playgrounds and Water Park through Buyboard Cooperative Purchasing Program; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of playground equipment for the Wharton City Pool from Kraftsman Commercial Playgrounds and Water Park through Buyboard Cooperative Purchasing Program.

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

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

PASSED AND APPROVED this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Don Mueller 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 approving a one year extension 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 August 22, 2016, the City Council approved a bank depository contract with Prosperity Bank for a three year period beginning October 1, 2016 and ending September 30, 2019 with an additional one year extension not to exceed two additional years. City Manager Garza presented a copy of a memorandum from Finance Director Joan Anandel regarding a letter from Prosperity Bank requesting the City to extend the agreement for an additional year. Mrs. Anandel stated the City Council Finance Committee met on Monday, May 13, 2019 at 5:30 p.m. and were recommending the City Council consider approving the one year extension. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-52, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2019-52

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A ONE YEAR EXTENSION 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 August 22, 2016, the City of Wharton awarded a contract to Prosperity Bank for Depository Services for a three year period to include two one year extensions; and,

WHEREAS, The Wharton City Council wishes to approve a one year extension with Prosperity Bank in accordance with the contract ; 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 extension.

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 one year extension of Depository Services in accordance with the 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 13th day of May, 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember Don Mueller 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 the purchase of computer/server equipment from Dell EMC through DIR Cooperative and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. City Manager Andres Garza, Jr. presented a copy of a memorandum to him from Finance Director Joan Andel regarding the purchase of computer/server equipment that would be funded through the Tax and Revenue Certificates of Obligation 2019 for the following:

1. 13 Laptops for Emergency Management use in the amount of \$13,607.10.
2. Computer Server and Domain Controller for the Police Department in the amount of \$21,081.15.
3. Computer Server and Domain Controller for City Hall in the amount of \$18,995.18.
4. Backup Software Maintenance for the Police Department and City Hall in the amount of \$3,578.75.

Mrs. Andel stated the total purchase price would be \$57,262.19 and would be with DELL EMS through the DIR Cooperative contract. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-53, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-53**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF COMPUTER/SERVER EQUIPMENT FROM DELL EMC THROUGH DIR COOPERATIVE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The City Staff wishes the City Council to approve the purchase of computer/server equipment from Dell EMC through DIR Cooperative for the following:

1. 13 Laptops for Emergency Management use in the amount of \$13,607.10.
2. Computer Server and Domain Controller for the Police Department in the amount of \$21,081.15.
3. Computer Server and Domain Controller for City Hall in the amount of \$18,995.18.
4. Backup Software Maintenance for the Police Department and City Hall in the amount of \$3,578.75; and,

WHEREAS, The City of Wharton is a member of and participates in the DIR Cooperative; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase computer/server equipment for the City of Wharton from Dell EMC through DIR Cooperative; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of computer/server for the City of Wharton from Dell EMC through DIR Cooperative.

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

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

PASSED AND APPROVED this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution acknowledging the completion of the obligation with the Texas Department of Agriculture for Contract Number 723092 and authorizing a deed between the City of Wharton and Jr's Texas Best, LLC and authorizing the Mayor of the City of Wharton to execute all documents related to said deed. City Manager Andres Garza, Jr. stated the final repayment of Contract 723092 had been received and satisfied the obligation of the City. Community Development Director Gwyn Teves stated that since the contract was complete the City could release Jr's Texas Best, LLC from the lease and deed the property to Jr's Texas Best, LLC. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-54, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2019-54

A RESOLUTION ACKNOWLEDGING THE COMPLETION OF THE OBLIGATION

WITH THE TEXAS DEPARTMENT OF AGRICULTURE FOR CONTRACT NUMBER 723092 AND AUTHORIZING A DEED BETWEEN THE CITY OF WHARTON AND JR'S TEXAS BEST, LLC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXEUCTE ALL DOCUMENTS RELATED TO SAID DEED.

WHEREAS, The Wharton City Council wishes to issue a deed to Jr's Texas Best, LLC for the Jr's Texas Best Smokehouse & Bakery project; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said deed; and,

WHEREAS, The City of Wharton and the Jr's Texas Best, LLC will no longer be bound by the conditions set forth in the lease agreement.

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

Section I. That the City Council of the City of Wharton hereby approves the deed to Jr's Texas Best, LLC for the Jr's Texas Best Smokehouse & Bakery project.

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

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

Passed, Approved, and Adopted this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Don Mueller 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 authorizing the award of a contract designating an engineering service provider to prepare all design plans, specifications, construction bid documents and to conduct all necessary inspections for the HMGP DR-4269-011 City of Wharton Warning Siren Project. City Manager Andres Garza, Jr. stated that on April 25, 2019, the City Staff received Statements of Qualifications for an engineering service provider to prepare all design plans, specifications, construction bid documents and to conduct all necessary inspections for the HMGP DR-4269-

011 City of Wharton Warning Siren Project. Community Development Coordinator Gwyn Teves stated the Consultant Selection Committee and Public Works Committee met on May 13, 2019 to score the proposal received from BEFCO Engineering and were recommending the City Council consider approving awarding the contract to BEFCO Engineering. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-55**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE AWARD OF A CONTRACT DESIGNATING AN ENGINEERING SERVICE PROVIDER TO PREPARE ALL DESIGN PLANS, SPECIFICATIONS, CONSTRUCTION BID DOCUMENTS AND TO CONDUCT ALL NECESSARY INSPECTIONS FOR THE HMGP DR-4269-011 CITY OF WHARTON WARNING SIREN PROJECT.

WHEREAS, Proposals were received for the engineering services to prepare all design plans, specifications, construction bid documents and to conduct all necessary inspections for the HMGP DR-4269-011 City of Wharton Warning Siren Project; and,

WHEREAS, BEFCO Engineering was deemed the highest ranked proposal; and,

WHEREAS, The Wharton City Council wishes to award a contract to BEFCO Engineering for engineering services to prepare all design plans, specifications, construction bid documents and to conduct all necessary inspections for the HMGP DR-4269-011 City of Wharton Warning Siren Project; and,

WHEREAS, The City of Wharton and BEFCO Engineering wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute the agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract with BEFCO Engineering for the HMGP DR-4269-011 City of Wharton Warning Siren Project.

Section II. The City of Wharton and BEFCO Engineering 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 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of a Community Development Block Grant Disaster Recovery (CDBG-DR) application to the Texas General Land Office; and authorizing the Mayor to act as the city's executive officer and authorized representative in all matters pertaining to the City's participation in the CDBG-DR Program. City Manager Andres Garza, Jr. stated the City was allotted \$1,693,784.00 in grant funds under the CDBG-DR Program due to Hurricane Harvey and the city staff had been working with GrantWorks to complete an application for submission to use the funds. Community Development Gwyn Teves stated the draft resolution would allow the submission of the application for a buyout/acquisition program and designate the Mayor as the Executive Officer for the program. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-56, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-56**

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

WHEREAS, The Wharton City Council desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and,

WHEREAS, Certain conditions exist related to flooding that occurred during an eligible federally declared disaster in 2017 which represent a threat to the public health and safety; and,

WHEREAS, It is necessary and in the best interests of to apply for funding under the CDBG-DR Program; and,

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

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

Section I. That a CDBG-DR application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the Local Buyout and Acquisition Program.

Section II. That the application be for \$1,693,784.00 of grant funds to conduct involuntary disaster recovery buyouts of real property impacted by Hurricane Harvey.

Section III. That the Mayor is designated as the Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the CDBG-DR Program.

Section IV. That the Mayor is designated as the overseer of all grant activities so as to ensure there are no Conflicts of Interest.

Section V. That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

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

Passed, Approved, and Adopted this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Community Development Block Grant Program (CDBG-DR)

Contract Number 19-076-050-B703. City Manager Andres Garza, Jr. stated that in February 2019 the City was awarded a \$2,000,000 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) funds to assist homeowners with elevation, rehabilitation, and reconstruction of homes to address existing damage and mitigate future damage. Community Development Director Gwyn Teves stated the draft resolution would designate the authorized signatories for the grant. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-57**

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG-DR) CONTRACT NUMBER 19-076-050-B703.

WHEREAS, The City of Wharton has received a Community Development Block Grant-Disaster Recovery award for damage sustained from 2016 Presidentially declared flooding; and,

WHEREAS, It is necessary to appoint persons to execute contractual documents and documents requesting funds from the General Land Office; and,

WHEREAS, An original signed copy of the CDBG Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution; and,

WHEREAS, The City of Wharton acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide CDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG *Depository/ Authorized Signatories Designation Form*.

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

Section I. The Mayor, City Manager, and Finance Director be authorized to execute contractual documents between the General Land Office and the City for the Community Development Block Grant-Disaster Recovery Program.

Section II. The Mayor, and City Manager be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for

requesting funds approved in the Community Development Block Grant-Disaster Recovery Program.

Passed, Approved and Adopted this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council accepting the award of a grant from The Rebuild Texas Fund for the 2019 Preparedness Grant Round in the amount of \$54,696.00 and authorizing the Mayor of the City of Wharton to execute all documents related to said grant. City Manager Andres Garza, Jr. stated that on April 10th, 2019 the Rebuild Texas Fund notified the City staff that the application for AED units and portable and mobile radios for the public works department had been granted. City Manager Garza presented a copy of a draft resolution accepting the funds and authorizing the Mayor to execute all documents related to the grant. Community Development Director Gwyn Teves stated the grant would be for the purchase of twenty (20) Automated External Defibrillator (AED)'s for all City facilities and Police vehicles and five (5) mobile radios for the Public Works Department. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 - 58**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE AWARD OF A GRANT FROM THE REBUILD TEXAS FUND FOR THE 2019 PREPAREDNESS GRANT ROUND IN THE AMOUNT OF \$54,696.00 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton City Council wishes to accept the award of a grant from the Rebuild Texas Fund for the 2019 Preparedness Grant Round in the amount of \$54,696.00; and,

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

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

SECTION I. The Wharton City Council hereby approves the award of a grant from the Rebuild Texas Fund for the 2019 Preparedness Grant Round in the amount of \$54,696.00.

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

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

PASSED, APPROVED, and ADOPTED this 13th day of May 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventeenth item on the agenda was to review and consider a resolution providing for the Public Sale of Property acquired by the City of Wharton from Delinquent Taxes. Finance Director Joan Andel stated Ms. Leslie Hilliard with McCreary Veselka Bragg & Allen PC Attorneys at Law was requesting that the described properties that were offered for sale by the Sheriff of Wharton County, Texas at a public auction prior to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County. Mrs. Andel said that these properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee and now they will be up for sale at no minimum bid. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 - 59**

**STATE OF TEXAS
COUNTY OF WHARTON**

**RESOLUTION PROVIDING FOR THE PUBLIC SALE OF PROPERTY ACQUIRED
BY THE CITY OF WHARTON FROM DELINQUENT TAXES.**

WHEREAS, the following described properties were offered for sale by the Sheriff of Wharton County, Texas at a public auction pursuant to a judgment of foreclosure for delinquent taxes by the District Courts of Wharton County; and

WHEREAS, the following described properties did not receive sufficient bids as set by law and were struck off to the County of Wharton and later conveyed to the City of Wharton, Texas as Trustee, for the use and benefit of itself and the other taxing units for which levied taxes on the properties, pursuant to TEX. PROP. TAX CODE § 34.01 (j); and

WHEREAS, TEX. PROP. TAX CODE § 34.05 (c) and (d) provide that a taxing unit may request that the Sheriff sell the property at a public sale to the highest bidder with no minimum bid required,

THEREFORE, BE IT HEREBY RESOLVED that the City of Wharton, Texas, does hereby request the Sheriff of Wharton County, Texas to conduct a public sale in the manner prescribed by the Texas Rules of Civil Procedure and § 34.05 (c) and (d) of the Texas Tax Code and sell the following described properties to the highest bidder for cash.

Cause #	Suit Styling	Legal Description, Deed References, Account Number, Bid in Trust Date & Judgment Year (all properties located in Wharton County, Texas unless otherwise noted)
T07937	The County of Wharton, Texas v Luther L. Johnson, Jr.	0.1722 Acre, more or less, being Lot 48, Elizabeth Brach Partition, City of Wharton, Wharton County, Texas (Volume 359, Page 432 of the Deed Records of Wharton County, Texas), Sanders, Account #R011872 Judgment Through Tax Year: 2015 (Bid in Trust 8/2/2016 -V 1033, P 646, Deed Records, Wharton County, Texas)
T08085	Wharton County et al v C. H. Brown A/K/A Christopher O'Neil Brown et al	50.00 feet by 150.00 feet, containing 0.172 acres, more or less, situated in the A. Jackson Timber Survey, Abstract 37, situated in the L.B. Outlar Subdivision, Wharton County, Texas (Volume 349, Page 243, Deed Records of Wharton County, Texas), 605 OUTLAR, Account #R011819 Judgment Through Tax Year: 2014 (Bid in Trust 3/1/2016-V 1018, P 306, Deed Records, Wharton County, Texas)
T010162	The County of Wharton, Texas v Candelaria Garcia et al	Lot 22, Block 61, City of Wharton, Wharton County, Texas (Volume 836, Page 709, Deed Records, Wharton County, Texas), 307 N Ford, Wharton, Texas 77488-4945, Account #R026735 Judgment Through Tax Year: 2015 (Bid in Trust 6/6/2017-V 1063, P 28, Deed Records, Wharton County, Texas)

THEREFORE, BE IT HEREBY RESOLVED that the City of Wharton, Texas hereby directs the Sheriff of Wharton County, Texas to conduct a sale on the first Tuesday in June, 2019, in the manner prescribed by the Texas Rules of Civil Procedure and TEX. PROP. TAX CODE § 34.05 (c) and (d).

THIS RESOLUTION WAS PASSED, APPROVED AND ADOPTED on this the 13th day of May, 2019.

CITY OF WHARTON

TIM BARKER
 Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighteenth item on the agenda was to review and consider the James Construction Contract for 2017-2018 Street Improvement Project. City Manager Andres Garza, Jr. stated James Construction/Primoris Construction and the City staff had agreed to a mutual termination of the contract entered into for the 2017-2018 Street Improvement Project. Public Works Director John Plaia stated that due to numerous weather/project setbacks it was agreed the contract was no longer beneficial to either party. After some discussion, Councilmember Clifford Jackson moved to approve the termination of the contract entered into for the 2017-2018 Street Improvement Project with James Construction/Primoris Construction. Councilmember Terry Freese seconded the motion. All voted in favor.

The nineteenth item on the agenda was to review and consider the East Burleson Sanitary Sewer Replacement Project:

A. Pay Request No. 1 and Final from JTM Construction.

City Manager Andres Garza, Jr. presented a copy of Pay Request No. 1 and Final from JTM Construction in the amount of \$46,151.00. Community Development Director Gwyn Teves stated the request would be the first and final payment to JTM Construction for the project. After some discussion, Councilmember Terry Freese moved to approve Pay Request No. 1 and Final from JTM Construction in the amount of \$46,151.00 for the East Burleson Sanitary Sewer Replacement Project. Councilmember Don Mueller seconded the motion. All voted in favor.

The twentieth item on the agenda was to review and consider the reschedule of the May 27, 2019 Regular Wharton City Council Meeting. After some discussion, Councilmember Russell Machann moved to approve rescheduling the May 27, 2019 Regular Wharton City Council Meeting to Tuesday, May 28, 2019. Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider appointments and Resignations to the City of Wharton Boards, Commissions and Committees:

1. Appointments:
 - A. Beautification Commission.
 - B. Building Standards Commission.
 - C. Plumbing and Mechanical Board.
 - D. City Council Committees.

After some discussion, Councilmember Russell Machann moved to appoint Councilmember Clifford Jackson to following City Council Committees:

D. City Council Committees.

Term Expires:

Public Works Committee
Housing Committee

June 30, 2019
June 30, 2019

Wharton City Council Regular Meeting
May 13, 2019

Telecommunications Committee June 30, 2019
Wharton Economic Development Board of Directors Selection Committee June 30, 2019

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

E. Wharton Economic Development Corporation Board of Directors.

2. Resignations: None.

After some discussion, Councilmember Terry Freese moved to appoint the following:

E. Wharton Economic Development Corporation Board of Directors. Term Expires:

Clifford Jackson September 30, 2020

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

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

- A. Finance Committee meeting held April 22, 2019.
- B. Wharton Economic Development Corporation meeting held April 22, 2019.
- C. Annexation Committee meeting held April 29, 2019.

After some discussion, no action was taken.

Executive Session:

City Council may adjourn into an Executive Session in accordance with Section 551.071 and 551.087 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.

A. Discussion: Industrial District No. 1 Contract.

Mayor Barker moved the meeting into closed session at 7:45 p.m.

Return to Open Session:

Mayor Tim Barker returned to open session at 8:05 p.m.

Action on items discussed in Executive Session:

A. Review & Consider: Industrial District No. 1 Contract.

After some discussion, no action was taken.

Adjournment.

Wharton City Council Regular Meeting
May 13, 2019

There being no further discussion, Councilmember Don Mueller moved to adjourn.
Councilmember Terry Freese seconded the motion. All voted in favor.
The meeting adjourned at 8:06 p.m.

CITY OF WHARTON, TEXAS

By: 
Tim Barker
Mayor

ATTEST:


Paula Favors
City Secretary

