

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
MAY 26, 2020**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:03 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 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, Emergency Management Coordinator Steve Johnson, Public Works Director John Plaia and Community Development Director Gwyn Teves.

Visitors present were: Natalie Frels-Busby, Editor in Chief with The County Gin.

Roll Call and Excused Absences. Councilmember Russell Machann moved to excuse Councilmember Clifford Jackson. Councilmember Don Mueller seconded the motion. All voted in favor.

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

Councilmember Clifford Jackson arrived 7:05 p.m. but did not participate in the meeting.

Wharton Moment. Councilmember Russell Machann stated the City of Wharton had been doing a great job during the COVID-19 Pandemic and thanked Emergency Management Coordinator Steve Johnson for keeping everyone informed.

The first item on the agenda was to review and consider the City of Wharton Financial Report for April 2020. Finance Director Joan Anandel presented the financial report for the month of April 2020. Mrs. Anandel stated that the TexPool balance for April was \$268,324.56 with an average monthly yield of .45%. She said the Prosperity Bank balance for April 2020 was \$10,998,445.57 with an average monthly yield of 1.510%. After some discussion, Councilmember Steve Schneider moved to approve the City of Wharton Financial Report for the month of April 2020. Councilmember Terry Freese seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from the Wharton Farmers Market to use Guffey Park. City Manager Andres Garza, Jr. presented a request from the Wharton Farmers Marker to use Guffey Park. City Manager Garza stated they were requesting the use of

Guffey Park for the sale of vegetables, baked goods, crafts, etc. Community Development Director Gwyn Teves stated the event would be held on Saturdays beginning May 30, 2020 and ending on July 11, 2020 and the hours would be from 8:00 a.m. to 12:00 p.m. Mrs. Teves said the fall season hours would be 8:00 a.m. beginning on October 24, 2020 and ending on December 12, 2020. After some discussion, Councilmember Russell Machann moved to approve the request from the Wharton Farmers Market to use Guffey Park as requested. Councilmember Alice Heard-Roberts seconded the voted. All voted in favor.

The third 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). City Manager Andres Garza, Jr. stated that 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. City Manager Garza said this allowed the Mayor to perform extraordinary actions, if necessary, to protect the public and pursuant to Texas Government Code 418.108 (b) the declaration would need to be continued or renewed by City Council within 7 days of issuance which the renewal was passed on March 23, 2020 and was to continue until May 31, 2020. Emergency Management Coordinator Steve Johnson stated that the disaster continued and many of the City's citizens, businesses, and governments continue to be affected and in order to continue with the response to the pandemic the City Staff was recommending that the declaration be extended until July 30, 2020 unless rescinded earlier. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-44, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-44**

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.

WHEREAS, This was passed on March 23, 2020 and will continued until May 31, 2020.; and,

WHEREAS, To continue with the response to this pandemic the declaration will be extended until July 31, 2020 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 July 31, 2020 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 26th day of May 2020.

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 fourth item on the agenda was to review and consider Annual Drinking Water Quality Report (Consumer Confidence Report) (CCR). City Manager Andres Garza, Jr. stated the City of Wharton was required by the Texas Commission on Environmental Quality to provide its water customers copies of the Annual Drinking Water Quality Report (Consumer Confidence Report) (CCR) on a yearly basis to keep customers informed as to the quality of the water supply. City Manager Garza presented a memorandum from Finance Director Joan Anandel regarding the dissemination of the Consumer Confidence Report. Mrs. Anandel stated said the deadline to submit the Certificate of Delivery, which was required documentation to TCEQ, was June 30th. After

some discussion, Councilmember Alice Heard-Roberts moved to approve the Annual Drinking Water Quality Report (Consumer Confidence Report) (CCR). Councilmember Terry Freese seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a policy for collection of delinquent utility bills for the period of March 23, 2020 through May 31, 2020 and authorizing the City Manager of the City of Wharton to implement said policy. City Manager Andres Garza, Jr. presented a memorandum from Finance Director Joan Anandel to him regarding the establishment of a policy for collection of delinquent utility bills for the period of March 23, 2020 through May 31, 2020. City Manager Garza stated that on March 23, 2020 the City Council advised the City Staff to waive all late fees, penalties and cutoff due to the COVID-19 Pandemic. Mrs. Anandel stated the Finance Committee and had met and were recommending the City Council consider approving said policy would be as follows:

1. Payment plans established for those customers that cannot pay in full on delinquent accounts.
2. Reinstate 5% late fee on accounts on June 16, 2020.
3. Reinstate all cutoffs and penalties effective June 24, 2020 on those customers who are delinquent and have not set up any type of payment plan.

After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-45, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-45**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A POLICY FOR COLLECTION OF DELINQUENT UTILITY BILLS FOR THE PERIOD OF MARCH 23, 2020 THROUGH MAY 31, 2020 AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO IMPLEMENT SAID POLICY.

WHEREAS, On March 23, 2020 the City Council directed the City Staff to suspend and waive all late fees, penalties and cutoff due to the COVID-19 Pandemic; and,

WHEREAS, The City of Wharton Code of Ordinances Chapter 86 authorizes the collection of utility bills, and;

WHEREAS, The City Staff is requesting to reinstate all fees as per the City Ordinance as follows:

1. Payment plans established for those customers that cannot pay in full on delinquent accounts.
2. Reinstate 5% late fee on accounts on June 16, 2020.
3. Reinstate all cutoffs and penalties effective June 24, 2020 on those customers who are delinquent and have not set up any type of payment plan.

WHEREAS, The Wharton City Council wishes to implement the policy for the Collection of Delinquent of Utility Bills; and,

WHEREAS, The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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 to implement the policy for the Collection of Delinquent of Utility Bills as per the City's ordinance.

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

Passed, Approved, and Adopted this 26th day of May 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider City of Wharton 2020 Street Improvement Project:

- A. Update on the City of Wharton 2020 Street Improvement Project.
- B. Resolution: A resolution of the Wharton City Council approving an Engineering Services Agreement between the City of Wharton and BEFCO Engineering, Inc. for the City of Wharton 2020 Street Improvement Project and authorizing the Mayor of the City of Wharton to execute all documents related to said project.

City Manager Andres Garza, Jr. presented a memorandum to him from Public Works Director John Plaia regarding an update on the City of Wharton 2020 Street Improvement Project and a copy of the draft Engineering Services Agreement. City Manager Garza stated that the City Council Public Works Committee was briefed on the project on March 19, 2020. Public Works Director Plaia presented the Council an update on the City of Wharton 2020 Street Improvement Project. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-46, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-46**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND BEFCO ENGINEERING FOR THE 2020 STREET IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PROJECT.

WHEREAS, The Wharton City Council wishes to engage the services of BEFCO Engineering to provide professional engineering services in connection with said project; and,

WHEREAS, BEFCO Engineering wishes to provide said services for the 2020 Street Improvement Project; and,

WHEREAS, The City of Wharton and BEFCO Engineering wishes to be bound by the conditions of said professional engineering services agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional engineering services agreement with BEFCO Engineering for the 2020 Street Improvement Project.

Section II. The City of Wharton and BEFCO Engineering are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 26th day of May 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The seventh item on the agenda was to review and consider FEMA DR-4332 Public Assistance:

- A. Bid Tabulations.
- B. Resolution: A resolution of the Wharton City Council awarding a contract for the City Hall Structural Repairs and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. During Hurricane Harvey in 2017 the City Hall building sustained foundation damage. The project was claimed through FEMA under the DR-4332 Public Assistance and approved for repairs through FEMA. Jones & Carter was contracted and completed a bid packet for construction based on the approved FEMA Scope of Work. Bids were received at City Hall on May 12, 2020 at 2pm.

City Manager Andres Garza, Jr. presented a copy of the bids that were reviewed by Jones & Carter and their recommendation. Community Development Director Gwyn Teves stated three bids were received and Restocon Corporation submitted the lowest bid and Jones and Carter, Inc. reviewed the bids and were recommending the City Council consider approving Restocon Corporation's bid. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-47, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-47**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CITY HALL STRUCTURAL REPAIRS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the City Hall Structural Repairs; and,

WHEREAS, Restocon Corporation was deemed the best lowest qualified bidder in the amount of \$28,388.98; and,

WHEREAS, The Wharton City Council wishes to award a contract to Restocon Corporation for the City Hall Structural Repairs in the amount of \$28,388.98; and,

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

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute a contract for the City Hall Structural Repairs to Restocon Corporation in the amount of \$28,388.98.

Section II. The City of Wharton and Restocon Corporation are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 26th day of May 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Don Mueller 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 accepting the funding from the Texas Department of Emergency Management Coronavirus Relief Fund in the amount of \$474,870.00 and authorizing and ratifying the Mayor of the City of Wharton's execution of all documents related to said award. City Manager Andres Garza, Jr. stated that on May 11, 2020 guidance and information was released through the Texas Department of Emergency Management (TDEM) in reference to the Coronavirus Relief Fund (CRF) that was enacted as part of the CARES Act. City Manager Garza presented a letter from the Governor. City Manager Garza said the disbursement of funds would be handled through TDEM and allocated based on the population and per capita of each County and City that was not directly

awarded funding which with this calculation made the City of Wharton eligible for up to \$474,870.00. Community Development Director Gwyn Teves stated the first 20% of the allocation would be advanced once the terms and conditions were signed and returned to TDEM by the Mayor. Mrs. Teves said the funds were tied to COVID-19 expenditures incurred due to the medical health emergency and were also subject to the same duplication of benefits guidelines enacted during previous disasters. City Manager Garza said the funding was available for reimbursement up to the max amount and for the period of March 1, 2020 through December 30, 2020 and the City Staff was recommending that the City Council accept the funding and authorize and ratify Mayor Barker's execution of said documents. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-48, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 – 48**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE FUNDING FROM THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT CORONAVIRUS RELIEF FUND IN THE AMOUNT OF \$474,870.00 AND AUTHORIZING AND RATIFYING THE MAYOR OF THE CITY OF WHARTON'S EXECUTION OF ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The City of Wharton City Council wishes to accept the funding from the Texas Department of Emergency Management Coronavirus Relief Fund in the amount of \$474,870.00; and,

WHEREAS, The Wharton City Council hereby ratifies the execution of the Grant Agreement and terms and conditions by the Mayor of the City signed on May 12, 2020; and,

WHEREAS, The Wharton City Council wishes to ratify the Mayor of the City of Wharton's execution of all documents relating to said funding.

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

SECTION I. The Wharton City Council hereby approves the acceptance of the funding from the Texas Department of Emergency Management Coronavirus Relief Fund in the amount of \$474,870.00.

SECTION II. The Wharton City Council hereby authorizes and ratifies the Mayor of the City of Wharton's execution of all documents related to said funding.

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

PASSED, APPROVED, and ADOPTED this 26th day of May 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The ninth item on the agenda was to review and consider update of City of Wharton Grant Programs. City Manager Andres Garza, Jr. presented a copy of a memorandum dated May 20, 2020, from Community Development Coordinator, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider the update of City of Wharton On-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated May 18, 2020 to the City Council providing an update on the City of Wharton current projects as of April 30, 2020, 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 on line 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.

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.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Director is currently working out the details. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The City is awaiting the approval of the grant request.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining 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 and installing additional storm sewer lines across the street to convey water to the Santa Fe Drainage Channel. The City Staff submitted this project to the Pre-Disaster Mitigation Grant Program being administered by FEMA.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Water Well Repair Project-Cloud Street.

The project has been completed and the well is back in production.

3. 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 must be submitted to the USDA for review and approval. The City Staff anticipate the project to be out for bid by the second quarter of 2020 once USDA approves the plans and specifications.

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 Staff is working on funding 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 planning process for the 2020 Street Improvement Project. The FEMA streets were re-bid and a contract was awarded for that phase and construction has been completed. The 2020 City Street Improvement Project Program has been approved by the City Council and implementation of the program has begun.

After some discussion, no action was taken.

The eleventh item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees:

1. Appointments:

- A. Building Standards Commission.
- B. Mayor's Committee on People with Disabilities.
- C. Plumbing and Mechanical Board.

After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider the City Council Boards, Commissions and Committees:

- A. Wharton Economic Development Corporation meeting held March 20, 2020.
- B. Public Works Committee meeting held on May 19, 2020.

After some discussion, no action was taken.

The thirteenth 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.

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

The meeting adjourned at 7:41 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

