

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JULY 22, 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 Clifford Jackson led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmember absent were: Alice Heard-Roberts.

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

Visitors present were: Doris Huddleston, Larry Pittman, Wharton I.S.D. Superintendent Tina Herrington, Carlos Cotton, P.E. with Jones and Carter, Inc. and Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Alice Heard-Roberts. Councilmember Clifford Jackson seconded the motion. All voted in favor.

Public Comments. Mr. Mryon Dornic, Senior Counsel with Jackson Walker, LLP stated opposition of the annexation of Colorado Bend II Power, LLC due to deficiencies with the City's annexation process.

Wharton Moment. No comments were made.

The first item on the agenda was the City of Wharton Financial Report for June 2019. Finance Director Joan Andel presented the financial report for the month of June 2019. Mrs. Andel stated that the TexPool balance for June was \$5,446,401.56 with an average monthly yield of 2.30%. She said the Prosperity Bank balance for June 2019 was \$3,487,885.18 with an average monthly yield of .25%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of June 2019. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the City of Wharton Annexations:

A. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 189.86 acre tract of land situated in the James Tumlinson Survey, Abstract 63 Randall Jones 1/2 League, Abstract 36 in Wharton, County, Texas as described in the metes and bounds attached hereto as Exhibit "A", to the City of Wharton, Wharton County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

B. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 86.20 acres Alexander Jackson Survey, Abstract 34, William Kincheloe Survey, Abstract 38 in Wharton, County, Texas as described in the metes and bounds attached hereto as Exhibit "A", to the City of Wharton, Wharton County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

C. Ordinance: An Ordinance annexing the hereinafter described territory, in Wharton County Texas: A certain 140.92 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas and being an approximate 1000-foot wide strip of land along U.S. Highway 59 extending northerly from the northern existing City limits of the City of Wharton, with all bearings based upon the westerly right-of-way line of U.S. Highway 59 as being north 50 degrees 20 minutes 13 seconds east (called north 50 degrees 20 minutes 13 seconds east) Wharton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City and adopting a service plan.

City Manager Andres Garza, Jr. presented Annexation Ordinances read and approved at the July 8, 2019 City Council meeting. City Manager Garza stated that even though it was not necessary for a second reading of the Annexation Ordinances it was City Attorney Paul Webb's recommendation to conduct a second reading. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinances No. 2019-16, 2019-17 and 2019-18, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2019-16**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 189.86 ACRE TRACT OF LAND SITUATED IN THE JAMES TURLINSON SURVEY, ABSTRACT 63 RANDALL JONES 1/2 LEAGUE, ABSTRACT 36 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN

THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT “A”; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

**CITY OF WHARTON
ORDINANCE NO. 2019-17**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 86.20 ACRES ALEXANDER JACKSON SURVEY, ABSTRACT 34, WILLIAM KINCHELOE SURVEY, ABSTRACT 38 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit "A" attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

**CITY OF WHARTON
ORDINANCE NO. 2019-18**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 140.92 ACRE TRACT OF LAND IN THE ALEXANDER JACKSON SURVEY, ABSTRACT 34, AND THE WILLIAM KINCHELOE SURVEY, ABSTRACT 38, WHARTON COUNTY, TEXAS, AND BEING AN APPROXIMATE 1000-FOOT WIDE STRIP OF LAND ALONG U.S. HIGHWAY 59 EXTENDING NORTHERLY FROM THE NORTHERN EXISTING CITY LIMITS OF THE CITY OF WHARTON, WITH ALL BEARINGS BASED UPON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59 AS BEING NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST (CALLED NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST) WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit “A” attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit “A,” within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit “B.”

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 22nd day of July 2019

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The third item on the agenda was to review and consider a request from Wharton Independent School District for the abandonment of Old Boling Road from Alabama to John Knox Street and a section of North Abell Street from East Ahldag Street to East Belle Avenue. City Manager Andres Garza, Jr. stated the City of Wharton had been in discussions with WISD Superintendent Tina Herrington since November 26, 2018, for the WISD Bond Improvements. At the meeting on that date, it was requested of City Staff to proceed with a request to abandon 2 street sections in the City. City Manager Garza said the school was requesting that the City of Wharton abandon a section of Old Boling Road from Alabama Rd. to John Knox St. and a section of N. Abell St. from E. Ahldag St. to E. Belle Ave. Community Development Director Gwyn Teves stated the City would require the areas to be replatted and the ROW be platted as an easement if the request was approved. After some discussion, Councilmember Don Mueller moved to approve the closure of North Abell Street from East Ahldag Street to East Belle Avenue but not the closure John Knox. Councilmember Terry Freese seconded the motion. Councilmember Don Mueller and Councilmember Terry Freese voted in favor of the motion. Councilmember Russell Machann, Councilmember Clifford Jackson and Councilmember Steve Schneider voted against the motion. The motion failed. Councilmember Russell Machann then moved to approve the abandonment of Old Boling Road from Alabama to John Knox Street and a section of North Abell Street from East Ahldag Street to East Belle Avenue and a section of Old Boling Road from Alabama Rd. to John Knox St. and a section of N. Abell St. from E. Ahldag St. to E. Belle Ave. Councilmember Clifford Jackson seconded the motion. Councilmember Russell Machann, Councilmember Steve Schneider and Councilmember Clifford Jackson voted in favor

of the motion. Councilmember Don Mueller and Councilmember Terry Freese voted against the motion. The motion carried.

The fourth item on the agenda was to review and consider a request from Ms. Doris Huddleston to address the City Council. Ms. Huddleston stated that she had her home at 1703 Crestmont built in 1992 and the home was not located within a floodplain but since recent work on the roadway, numerous drainage issues have occurred. She said the issues began in Mid-November of 2018, when work began from what she was told by City Staff to improve drainage issues. Ms. Huddleston said water no longer drains and becomes stagnant and with a recent heavy rain the water was close to flooding her home. After some discussion, no action was taken.

The fifth item on the agenda was to review and consider a request for the following by Bertha Garcia for 600 S. East Ave., Mt. Carmel, Block 1, Lots 3 & 4 for residential construction:

- A. A 0' foot setback variance to build across property lines.
- B. A 17' front building line setback variance from the required 25'.
- C. A 2' side building line setback variance from the required 5'.

Community Development Director Gwyn Teves stated the Planning Commission had met and review the request from Ms. Garcia and were recommending the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request by Bertha Garcia for 600 S. East Ave., Mt. Carmel, Block 1, Lots 3 & 4 for residential construction, for the following variances: a 0' foot setback variance to build across property lines, a 17' front building line setback variance from the required 25' and a 2' side building line setback variance from the required 5'. Councilmember Steve Schneider seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider the City of Wharton Public Notice-Texas Community Development Block Grant (CDBG) Hurricane Harvey Disaster Recovery Program. City Manager Andres Garza, Jr. stated the City of Wharton would submit a CDBG-DR application for \$1,650,172 for drainage improvement in the City related to Hurricane Harvey declared disaster events to the General Land Office (GLO) CDBGDR Hurricane Harvey Disaster Recovery Program. Community Development Director Gwyn Teves stated the applications would be available for review on and after July 15, 2019 at the City Hall at 120 East Caney Street, Wharton, Texas, 77488 during regular business hours for at least thirty days. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider the City of Wharton Annexations:

A. Resolution: 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 direction the City Secretary to publish notice of such public hearing.

B. Resolution: A resolution of the Wharton City Council authorizing the acceptance of Chapter 43 Texas Local Government Code Development Agreement for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for annexation and setting a deadline:

A 1,000 foot wide annexation measured from the western right of way line of US 59 to the east and including the front portion of the properties east of US 59. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-18 and south of Ponderosa Road. The Northernmost line of the annexation is 5,280 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-18 and south of FM 1161.

To include any adjacent areas which will be considered by the Wharton City Council for annexation into the City of Wharton's corporate City limits.

City Manager Andres Garza, Jr. stated that as required by Section 43.035 of the Texas Local Government Code the City was to offer properties that were subject to an agricultural, wildlife management, or timber ad valorem tax exemption a "development agreement" with the property owner in lieu of annexation to allow the property to retain its extraterritorial status for up to 45 years or until any type of subdivision plat or related development document was filed with the City for the property, whichever occurs first. City Manager Garza stated the City Staff was recommending the City Council consider setting a deadline of August 30th, 2019 to accept Chapter 43 Texas Local Government Code Development Agreements from eligible landowners. City Secretary Paula Favors stated the requested dates for the Public Hearings were August 26, 2019 and September 9, 2019. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2019-79 and 2019-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-79**

A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR PUBLIC HEARINGS 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 26th day of August 2019, at 7:00 p.m. o'clock and on the 9th day of September 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 public hearings 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:

A 1,000 foot wide annexation measured from the western right of way line of US 59 to the east and including the front portion of the properties east of US 59. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-18 and south of Ponderosa Road. The Northernmost line of the annexation is 5,280 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-18 and south of FM 1161.

SECTION 2. The City Secretary of the City of Wharton, is hereby authorized and directed to cause notice of such public hearings 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 22nd day of July 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-80**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT FOR AREAS IN THE CITY OF WHARTON'S EXTRA-TERRITORIAL JURISDICTION (ETJ) FOR ANNEXATION AND SETTING A DEADLINE:

A 1,000 foot wide annexation measured from the western right of way line of US 59 to the east and including the front portion of the properties east of US 59. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-18 and south of Ponderosa Road. The Northernmost line of the annexation is 5,280 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-18 and south of FM 1161.

TO INCLUDE ANY ADJACENT AREAS WHICH WILL BE CONSIDERED BY THE WHARTON CITY COUNCIL FOR ANNEXATION INTO THE CITY OF WHARTON'S CORPORATE CITY LIMITS.

WHEREAS, The Wharton City Council has the authority in accordance with the State of Texas Law to annex property into its Corporate City limits; and,

WHEREAS, The Wharton City Council is required by Section 43.035 of the Texas Local Government Code to offer a development agreement to property owners who are

subject to agricultural, wildlife management, or timber ad valorem tax exemption;
and,

WHEREAS, The Wharton City Council sets a deadline of Friday, August 30, 2019 as the final day to receive an executed agreement from eligible property owners.

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

Section I. The Wharton City Council wishes to approve the Chapter 43 Texas Local Government Code Development Agreement.

Section II. The Wharton City Council wishes to authorize the Mayor to execute any and all Chapter 43 Texas Local Government Code Development Agreement for the proposed annexation.

Section III. The Wharton City Council sets a deadline of Friday, August 30, 2019 as the final day to receive an executed agreement from eligible property owners.

Passed, Approved, and Adopted this the 22nd day of July 2019.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider the City of Wharton Housing Program:

A. Resolution: A resolution of the Wharton City Council declaring certain City of Wharton properties as surplus properties and to designate these properties for affordable housing programs for City of Wharton residents.

B. Resolution: A resolution of the Wharton City Council approving the transfer of the City of Wharton real properties to the Wharton County Recovery Team and authorizing the Mayor of the City of Wharton to execute all documents related to the property transfer.

City Manager Andres Garza, Jr. stated the City Staff was requesting that certain City of Wharton properties be declared as surplus properties and to designate these properties for affordable housing programs in the City of Wharton by transferring the properties to the Wharton County Recovery Team. City Manager Garza said the properties to be transferred were as follows: Tract 1: Lot 181, Block 63, City of Wharton a/k/a the south half of Lot 81, Block 63, City of Wharton as described and shown of Plat in Volume 163, Page 3 of the Deed Records and a/k/a 50' by 150' out of the Wm. Kincheloe Survey to the City of Wharton (Volume 643, Page 568 and Volume 693, Page 505 of the Deed Records of Wharton County, Texas) 320 S FORD, Account #R018572 (Bid in Trust 2/4/2014). Tract 2: An undivided 60% interest in and to All that certain tract or parcel of land containing 1.00 Acre, more or less, located in the Alexander Jackson League, Abstract 34, in Wharton County, Texas; being more particularly described in metes and bounds in the deed from Catherine Cotton Perkins, a Widow to Isaac C. Smith dated July 6, 1965 (Volume 267, Page 244, Deed Records of Wharton County, Texas) MATTIE, Account #R018230 (Bid in Trust 4/3/2012). After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-81 and 2019-82, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-81**

A RESOLUTION OF THE WHARTON CITY COUNCIL DECLARING CERTAIN CITY OF WHARTON PROPERTIES AS SURPLUS PROPERTIES AND TO DESIGNATE THESE PROPERTIES FOR AFFORDABLE HOUSING PROGRAMS FOR CITY OF WHARTON RESIDENTS.

WHEREAS, The Wharton City Council received certain City of Wharton properties from taxing entities and the City Council determined that there was a need to declare certain City of Wharton properties for affordable housing; and,

WHEREAS, The City Council determined that certain properties could be utilized by the City of Wharton in a new construction housing development program; and,

WHEREAS, The properties identified to be included in the new construction housing development program are as follows:

Lot 181, Block 63, City of Wharton a/k/a the south half of Lot 81, Block 63, City of Wharton as described and shown of Plat in Volume 163, Page 3 of the Deed Records and a/k/a 50' by 150' out of the Wm. Kincheloe Survey to the City of Wharton (Volume 643, Page 568 and Volume 693, Page 505 of the Deed Records of Wharton County, Texas) 320 S FORD, Account #R018572 (Bid in Trust 2/4/2014)
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Tract 2: An undivided 60% interest in and to All that certain tract or parcel of land containing 1.00 Acre, more or less, located in the Alexander Jackson League, Abstract 34, in Wharton County, Texas;
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being more particularly described in metes and bounds in the deed from Catherine Cotton Perkins,
a Widow to Isaac C. Smith dated July 6, 1965 (Volume 267, Page 244, Deed Records of Wharton County, Texas) MATTIE, Account #R018230 (Bid in Trust 4/3/2012)

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 designates the afore-mentioned properties for affordable housing program.

Section II. That the Wharton City Council hereby authorizes that these properties be dedicated for the construction of affordable homes.

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

Passed, Approved, and Adopted this 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-82**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TRANSFER OF THE CITY OF WHARTON REAL PROPERTIES TO THE WHARTON COUNTY RECOVERY TEAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE PROPERTY TRANSFER.

WHEREAS, The City of Wharton (“City”) desires to support the availability of affordable housing opportunities for residents and promote economic development within the community as public purposes; and,

WHEREAS, The Wharton City Council wishes to transfer the following properties located in the City of Wharton, Wharton County, Texas, to the Wharton County Recovery Team for the construction of new affordable housing; and,

Lot 181, Block 63, City of Wharton a/k/a the south half of Lot 81, Block 63, City of Wharton as described
and shown of Plat in Volume 163, Page 3 of the Deed Records and a/k/a 50' by 150'
out of the Wm. Kincheloe Survey to the City of Wharton
(Volume 643, Page 568 and Volume 693, Page 505 of the Deed Records of Wharton County, Texas)
320 S FORD, Account #R018572 (Bid in Trust 2/4/2014)

Tract 2: An undivided 60% interest in and to All that certain tract or parcel of land containing 1.00 Acre,
more or less, located in the Alexander Jackson League, Abstract 34, in Wharton County, Texas;
being more particularly described in metes and bounds in the deed from Catherine Cotton Perkins,
a Widow to Isaac C. Smith dated July 6, 1965 (Volume 267, Page 244, Deed Records of Wharton County, Texas) MATTIE, Account #R018230 (Bid in Trust 4/3/2012)

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

NOW, THEREFORE, BE IT RESOLVED by the Wharton City Council that:

Section I. The Wharton City Council hereby approves the transfer of the aforementioned properties in the City of Wharton, Wharton County, Texas, to the Wharton County Recovery Team for the construction of new affordable housing; and

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said property transfer.

Section III. This resolution shall become effective immediately after its passage.

PASSED, APPROVED AND ADOPTED by the City of Wharton at a regular meeting held on the 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST

PAULA FAVORS
City Secretary

Councilmember Steve Schneider 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 an Engineering Services Agreement between the City of Wharton and Jones & Carter Engineering for the Santa Fe Outfall Repair Project and authorizing the Mayor of the City of Wharton to execute all documents related to said project. City Manager Andres Garza, Jr. presented the Engineering Contract between the City of Wharton and Jones & Carter for engineering service for the Santa Fe Outfall Repair Project. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND JONES & CARTER ENGINEERING FOR THE SANTA FE OUTFALL REPAIR 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 Jones & Carter Engineering to provide professional engineering services in connection with said project; and,

WHEREAS, Jones & Carter Engineering wishes to provide said services for the Santa Fe Outfall Repair Project; and,

WHEREAS, The City of Wharton and Jones & Carter 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 Jones & Carter Engineering for the Santa Fe Outfall Repair Project.

Section II. The City of Wharton and Jones & Carter 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 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Steve Schneider seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider permit Fees for Construction Code, Electrical Code, Plumbing and Mechanical Rules and Regulations:

Resolution: A resolution of the Wharton City Council establishing Commercial and Residential Permit Application Fees for the City of Wharton, Texas.

City Manager Andres Garza, Jr. stated the Code Enforcement Department was requesting changes to the City of Wharton Code of Ordinances, Chapter 18, permit fees for Construction Code, Electrical Code, Plumbing and Mechanical Rules and Regulations of the following Articles and Sections. Assistant to the Building Official Claudia Velasquez stated that due to House Bill 852, cities were no longer allowed to assess permit fees by construction costs and the change was affective immediately. Mrs. Velasquez said the change required a new way of charging permit fees for the department, which would now be by square foot. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2019-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019 -84**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING
COMMERICAL AND RESIDENTIAL PERMIT APPLICATIONS AND FEES FOR THE
CITY OF WHARTON, TEXAS.**

WHEREAS, The City of Wharton, Texas hereby establishes permit applications and inspection fees in accordance with the Code of Ordinances, Chapter 18, Construction Codes, Planning and Mechanical, Article, Electrical Code; Section 18-413 mechanical fees, Section 18-358 plumbing permit fees and 18-68 building permit fees (attached); and,

WHEREAS, The City Council of the City of Wharton wishes to establish the above mentioned building permit applications and fees; and,

WHEREAS, The City Council of the City of Wharton hereby authorizes the Building Official and/or appointed representative to enforce charges and the applicable fees.

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

Section I. The City Council of the City of Wharton hereby adopts the permit applications and permit fees as described (see attached).

Section II. The City Council of the City of Wharton hereby authorizes the Building Official and/or appointed representative to enforce charges and the applicable fees.

Section III. This resolution shall become effective at 12:01 a.m., July 23, 2019.

Passes, Approved, and Adopted this 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The eleventh item on the agenda was a resolution of the Wharton City Council awarding a contract for the re-stripping of North Alabama Road, Spanish Camp Road and Jr. College Boulevard and authorizing the City Manager of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. stated the City Staff solicited quotes for the re-stripping of North Alabama Road (East Boling Highway to Milam Street), Spanish Camp Road (North Ford Street to FM 102) and Jr. College Blvd. (East Boling Highway to Alabama). Public Works Director John Plaia stated that one quote was received from Stripes & Stops Co., Inc. for all three streets in the amount of \$17,801.60 and it was his recommendation for the City Council to consider awarding the bid to them. After some discussion, Councilmember Steve Schneider moved to approve City of Wharton Resolution No. 2019-85, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2019-85

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE RE-STRIPING OF ALAMBAMA ROAD, JUNIOR COLLEGE BOULEVARD AND SPANISH CAMP ROAD AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, Proposals were received for the re-striping of Alabama Road, Junior College Boulevard and Spanish Camp Road; and,

WHEREAS, Stripes & Stops Co., Inc. was deemed the best lowest qualified bidder in the amount of \$17,801.60; and,

WHEREAS, The Wharton City Council wishes to award an agreement to Stripes & Stops Co., Inc. for the re-striping of Alabama Road, Junior College Boulevard and Spanish Camp Road in the amount of \$17,801.60; and,

WHEREAS, The City of Wharton and Stripes & Stops Co., Inc. wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager 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 City Manager of the City of Wharton, Texas, to execute a contract for the re-striping of Alabama Road, Junior College Boulevard and Spanish Camp Road; to Stripes & Stops Co., Inc. in the amount of \$17,801.60.

Section II. The City of Wharton and Stripes & Stops Co., Inc. 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 22nd day of July 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The twelfth item on the agenda was to review and consider the update of City of Wharton Grant Programs. Community Development Director Gwyn Teves presented to the City Council an update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The thirteenth item on the agenda to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated July 17, 2019 providing an update on the City of Wharton current projects as of June 30, 2019.

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. Work authorizations are being developed. Meetings with the property owners are being planned for early August.

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 will be proposed under the Texas General Land Office (GLO) Infrastructure Grant Program.

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.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Water Well Repair Project-Cloud Street.

The Engineer is in the process of getting all the materials needed for the repair of the well.

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 is awaiting TxDOT announcement of the project to be funded in Wharton County.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design.

4. 2019 City Street Improvement Project.

The City has begun the planning process for the 2019 Street Improvement Project. Three times bids were received for the project, however they were higher than the funds available and only one bidder responded. The project has been rebid.

After some discussion, no action is taken.

The fourteenth 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.

2. Resignations: None.

After some discussion, Councilmember Russell Machann moved to appoint the following:

B. Building Standards Commission

Term Expiring

I.O. Coleman, Jr.

June 30, 2021

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

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

- A. Public Works Committee Meeting held July 8, 2019.
- B. Airport Board Meeting held July 9, 2019.
- C. Planning Commission Meeting held July 16, 2019.

After some discussion, no action was taken.

The sixteenth item on the agenda on the agenda was City Manager's Reports:

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

After some discussion, no action was taken.

The seventeenth item on the agenda was Executive Session:

City Council may adjourn into an Executive Session in accordance with Sections 551.072 and 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

- A. City Managers Evaluation.
- B. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

Mayor Tim Barker moved the meeting into Executive Session at 8:05 p.m.

The eighteenth item on the agenda was Return to Open Session:

Action on items discussed in Executive Session:

- A. City Managers Evaluation.
- B. Acquisition of Real Property-Wharton Flood Reduction Project-Levee.

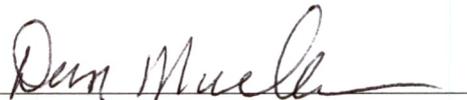
Mayor Tim Baker returned the meeting to Open Session at 8:29 p.m. Mayor Barker stated information only was received.

Adjournment.

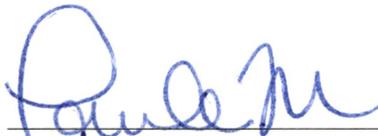
There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Steve Schneider seconded the motion. All voted in favor.

The meeting adjourned at 8:29 p.m.

CITY OF WHARTON, TEXAS

By: 
DON MUELLER
Mayor Pro-Tem

ATTEST:



PAULA FAVORS
City Secretary

