

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
MARCH 23, 2020**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:02 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, City Secretary Paula Favors, TRMC, CPM, MMC, Via Teleconference: Finance Director Joan Andel, Assistant to the City Manager Brandi Jimenez, Assistant to the Building Official Claudia Velasquez, Community Development Director Gwyn Teves, Emergency Management Coordinator Steve Johnson, Police Chief Terry David Lynch, Public Works John Plaia, EMS Director John Kowalik, Airport Manager David Allen and Facilities Maintenance Director Bob Baker.

Visitors present were: William Key with BLS Construction and Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences. All Councilmembers were present.

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

Wharton Moment. Mayor Tim Barker thanked the citizens of Wharton and the City Staff for working together through adverse situations and asked that everyone continue practicing social distancing.

The first item on the agenda was to review and consider the Update on Coronavirus (COVID-19):

- A. Resolution: 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).
- B. Continuity of Operations.

City of Wharton Public Health Officer Dr. Jeff Gubbels presented an update on the Coronavirus (COVID-19) situation. City Manager Andres Garza, Jr. discussed all City facilities procedures during the pandemic. City Manager Garza 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 that this would allow the Mayor to perform extraordinary actions, if necessary, to protect the public. Pursuant to Texas Government Code 418.108 (b) this declaration would need to be continued or renewed by City Council within 7 days of issuance. Emergency Management Coordinator Steve Johnson stated it was his recommendation that the Declaration be considered for continuation through May 31, 2020 or rescinded earlier. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-28**

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, Extraordinary measures must be taken to contain COVID-19 and prevent its spread throughout the City; and,

WHEREAS, The Mayor of the City of Wharton would have authority to ban community gatherings of people according to the Center for Disease Control (CDC)’s guidelines and, additionally, potentially requiring individuals, groups of individuals, or property to undergo additional measures that prevent or control the spread of disease; and,

WHEREAS, Pursuant to Texas Government Code 418.108 (b) this declaration would need to be continued or renewed by City Council within 7 days of issuance; and,

WHEREAS, This Declaration be considered for continuation through May 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 May 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 23rd day of March 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 second item on the agenda was to review and consider the City of Wharton Financial Report for February 2020. Finance Director Joan Andel presented the financial report for the month of February 2020. Mrs. Andel stated that the TexPool balance for February was \$5,464,516.29 with an average monthly yield of 1.59%. She said the Prosperity Bank balance for February 2020 was \$6,617,192.58 with an average monthly yield of 1.510%. After some discussion, Councilmember Terry Freese moved to approve the City of Wharton Financial Report for the month of February 2020. Councilmember Steve Schneider seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from J M Eagle for a floodplain variance to build a new 60' x 60' manufacturing facility at the same elevation as the existing structures. City Manager Andres Garza, Jr. presented a request from J M Eagle for a floodplain variance to build a new 60' x 60' manufacturing facility at the same elevation as the existing structures. After some discussion, Councilmember Russell Machann moved to approve the request from J M Eagle for a floodplain variance to build a new 60' x 60' manufacturing facility at the

same elevation as the existing structures. Councilmember Terry Freese seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider an application submitted by Shirley Curtis, 817 N. Spanish Camp Rd., Wharton, Block 61, Lot 21B for:

- A. A side property line setback variance of 4' on the east side of the property from the required 5' setback.
- B. A side property line setback variance of 5' on the west side of the property from the required 5' setback.

City Manager Andres Garza, Jr. presented a copy of the application submitted by Shirley Curtis, 817 N. Spanish Camp Rd., Wharton, Block 61, Lot 21B for the afore mentioned variances. Community Development Director Gwyn Teves stated the Planning Commission was recommending the City Council consider approving the request. After some discussion, Councilmember Clifford Jackson moved to approve the application submitted by Shirley Curtis, 817 N. Spanish Camp Rd., Wharton, Block 61, Lot 21B for a side property line setback variance of 4' on the east side of the property from the required 5' setback and a side property line setback variance of 5' on the west side of the property from the required 5' setback. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider an application submitted by Bernardo & Patricia Estrada, 302 Moutray Ave., Washington Homes, Block 8, Lot 16 for a side property line setback variance of 7' from the required 15' setback. City Manager Andres Garza, Jr. presented a copy of the application submitted by Bernardo & Patricia Estrada, 302 Moutray Ave., Washington Homes, Block 8, Lot 16 for a side property line setback variance of 7' from the required 15' setback. After some discussion, Councilmember Alice Heard-Roberts moved to approve an application submitted by Bernardo & Patricia Estrada, 302 Moutray Ave., Washington Homes, Block 8, Lot 16 for a side property line setback variance of 7' from the required 15' setback. Councilmember Terry Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution by the City of Wharton, Texas, ("City") responding to the application of CenterPoint Energy Resources Corp., Texas Coast Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of the rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Texas Coast Utilities Coalition" of cities; determining that the meeting at which the resolution was adopted complied with the Texas Open Meeting Act; making such other findings and provisions related to the subject; and declaring an effective date. City Manager Andres Garza, Jr. stated the City was a member of the Texas Coast Utilities Coalition ("TCUC") of cities and TCUC was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") and had been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint. City Manager Garza said that under section 104.301 of the Gas Utility Regulatory Act ("GURA"), a

gas utility was allowed to request increases in its rates to recover a return on investments it makes between rate cases. He said that on or about March 5, 2020 CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP") and Although the City's ability to review and effectuate a change in CenterPoint's requested increase was limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law which included whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return. City Manager Garza said to exercise its due diligence, it was necessary to suspend CenterPoint's proposed effective date of May 4, 2020 for forty-five days, so that the City could evaluate whether the data and calculations in CenterPoint's rate application were correctly done. City Attorney Paul Webb stated TCUC's Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommended that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days, assuming a proposed effective date of May 4, 2020, CenterPoint's proposed effective date was suspended until June 18, 2020. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-29, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-29**

A RESOLUTION BY THE CITY OF WHARTON, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS COAST DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION" OF CITIES; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about March 5, 2020 CenterPoint Energy Resources Corp., Texas Coast Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charge for a residential customer from \$17.10 to \$17.77, an increase of approximately 3.92% in the monthly fixed customer charge; and

WHEREAS: the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by CenterPoint is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done; and

WHEREAS: the effective date proposed by CenterPoint is May 4, 2020 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 18, 2020.

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

- Section 1.** That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.
- Section 2.** The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.
- Section 3.** The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Texas Coast Utilities Coalition ("TCUC") of cities.
- Section 4.** The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.
- Section 5.** To the extent allowed by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.
- Section 6.** The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Section 7.** This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 23rd day of March 2020.

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The seventh item on the agenda was to review and consider a request from Chief of Police Terry Lynch regarding the 3rd Annual Cops 'n Rodders Car Show for the following:

1. Waive all fees associated with renting the Wharton Civic Center.
2. Allow participants and spectators to utilize restroom facilities in the Civic Center.
3. Allow the potential use of food trucks.
4. Allow the consumption of alcoholic beverages on the outdoor premises of the Civic Center.
5. In case of participant overflow, please allow the Police Department to close the roadway of University Street from Fulton Street to the entrance of the Department of Human Services driveway, prior to and throughout the duration of the event (8 a.m. – 4p.m.).
6. Use of the blue trash cans and liners from the Facilities Maintenance Department.
7. Have the street sweeper sweep the parking area of the Civic Center on April 24, 2020.

City Manager Andres Garza, Jr. presented a memorandum from Chief Lynch to him regarding the 3rd Annual Cops 'n Rodders Car Show on April 25, 2020 at the Wharton Civic Center. Chief Lynch requested the afore mentioned items but to postpone to a date to be determined in the future. After some discussion, Councilmember Don Mueller moved to approve the afore mentioned items for the 3rd Annual Cops 'n Rodders Car Show for a date to be determined in the future. Councilmember Russell Machann seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request from the City of Wharton to Texas Department of Transportation (TxDOT) for the following:

- A. Designate the 700-900 blocks of East Boling Highway as a School Zone with a 20-mph speed limit for the time periods of 7:00 a.m.-8:00 a.m. and 3:00 p.m.-4:00 p.m. on days in which the school is in session.

City Manager Andres Garza, Jr. presented a copy of a memorandum to him from Chief of Police Terry Lynch regarding the designation of the 700-900 blocks of East Boling Highway as a School Zone with a 20-mph speed limit for the time periods of 7:00 a.m.-8:00 a.m. and 3:00 p.m.-4:00 p.m. on days in which the school is in session. City Manager Garza stated with the influx of traffic congestion during the school drop-off and pick-up times, implementing a School Zone would effectively enhance safety for all involved. Chief Lynch stated that due to East Boling Highway also being a designated Farm-to-Market 1301, TxDOT would need to be consulted for approval and Traffic Control devices installation and expenses, such as flashers and signage, need to be considered for this implementation. Chief Lynch stated that he had reached out to Wharton ISD Police Chief Landy Williams to coordinate with the school district. After some discussion, Councilmember Clifford Jackson moved to approve the request from the City of Wharton to Texas Department of Transportation (TxDOT) to designate the 700-900 blocks of East Boling Highway as a School Zone with a 20-mph speed limit for the time periods of 7:00 a.m.-8:00 a.m. and 3:00

p.m.-4:00 p.m. on days in which the school is in session. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request from Celeta Moses, Trustee of the Wharton County Historical Museum, regarding the waiver of permit fees. City Manager Andres Garza, Jr. presented a request from Celeta Moses, Trustee of the Wharton County Historical Museum, regarding the waiver of permit fees. City Manager Garza stated that during Hurricane Harvey the Wharton County Historical Museum was severely damaged during the flood which forced the Museum to close since there were no funds available. He said that funds have become available for the repairs. After some discussion, Councilmember Terry Freese moved to approve the request from Celeta Moses, Trustee of the Wharton County Historical Museum, regarding the waiver of permit fees. Councilmember Russell Machann 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 moratorium on the issuance of all permits for industrial and agriculture development; expansion of existing industrial and agriculture development will be reviewed prior to developing within the Wharton City Limits until an ordinance pertaining to such has been approved. City Manager Andres Garza, Jr. presented a memorandum from Building Official Ronnie Bollom regarding a moratorium for industrial and agriculture development within the City Limits pending the adoption of a new ordinance. Assistant to the Building Official Claudia Velasquez stated the request for the moratorium would allow the department to present an Ordinance to the City Council on the issuance of all permits for industrial and agriculture development and expansion of existing industrial and agriculture development. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-30**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR NEW INDUSTRIAL AND AGRICULTURE DEVELOPMENT; EXPANSION OF EXISTING INDUSTRIAL AND AGRICULTURE DEVELOPMENT WILL BE REVIEWED PRIOR TO DEVELOPING WITHIN THE WHARTON CITY LIMITS UNTIL AN ORDINANCE PERTAINING TO SUCH HAS BEEN APPROVED.

WHEREAS, the Wharton City Council has been informed by the City Staff that City Ordinance concerning new industrial and agriculture development shall not be considered until ordinance(s) pertaining to such have been approved by City Council; and,

WHEREAS, the Wharton City Council will consider existing industrial and agriculture development expansions within existing property; and,

WHEREAS, The Wharton City Council wishes to approve moratorium on the issuance of new commercial permits for industrial and agriculture development within the city limits pending adoption of new ordinance.

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 a moratorium on the issuance of new commercial permits for industrial and agriculture development within the city limits pending adoption of new ordinance.

Section II. That the Wharton City Council hereby will consider existing industrial and agriculture development expansions within existing property.

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

Passed, Approved, and Adopted this 23rd day of March 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 eleventh item on the agenda was to review and consider a resolution of the Wharton City Council establishing the 2020 Street Improvement Program and authorizing the City Manager to create a temporary construction crew for said street improvement program for the City of Wharton. City Manager Andres Garza, Jr. presented a copy of the proposed Street Improvement Project for 2020. City Manager Garza stated the Public Works Committee met on March 9, 2020 and voted to present this item to the City Council for consideration. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-31, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2020- 31

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING THE 2020 STREET IMPROVEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO CREATE A TEMPORARY CONSTRUCTION CREW FOR SAID STREET IMPROVEMENT PROGRAM FOR THE CITY OF WHARTON.

WHEREAS, The Wharton City Council wishes to implement the City of Wharton 2020 Street Improvement Program; and,

WHEREAS, The Wharton City Council wishes City forces to make certain street improvements to the following streets: See Exhibit A; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2020 Street Improvement Program; and,

WHEREAS, Funding for the temporary construction crew and street improvements will be allocated from the Bond Programs and Capital Improvement Fund.

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

Section I: The Wharton City Council hereby authorizing the improvements to the list of streets above mentioned.

Section II: The Wharton City Council hereby authorizes the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2020 Street Improvement Program.

Section III: This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 23rd day of March 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution authorizing the sale of City of Wharton Surplus Personal Property in accordance with the City Charter Section 75. City Manager Andres Garza, Jr. presented a copy of the list of surplus personal property that the City Staff was requesting City Council approval to advertise for bids. City Manager Garza stated the Wharton Police Department utilized Poor Farms Auction Services for the sale of seizure vehicles in December 2019 for no charge. City Secretary Paula Favors stated the buyer was required to pay a \$10 fee to the auctioneer and stated the City Staff was requesting to utilize Poor Farms Auction Services to auction the surplus personal property and any unsold property the City Manager would be authorized to sell on a first come first serve basis. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-32**

A RESOLUTION AUTHORIZING THE SALE OF CITY OF WHARTON SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY; PROCEDURES.

WHEREAS, the City of Wharton has identified surplus personal property; and,

WHEREAS, the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; procedures; and,

WHEREAS, the Wharton City Council wishes to authorize the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

Section I. The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property in accordance with the City Charter Section 75 Sale of City personal property; procedures.

Section II. The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.

Section III. The Wharton City Council hereby authorizes the City Manager to sell City personal property out right on a first come first serve basis if said property did not sell through the bidding process.

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

Passed, Approved, and Adopted this 23rd day of March 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 thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase through the Texas Department of Information Resources (DIR) for Information Technology upgrades through CISCO Systems, Inc. for cyber security upgrades and installation of said upgrades through Mark Risinger. City Manager Andres Garza, Jr. stated the City of Wharton's technology footprint had grown significantly in the past fifteen years and additional measures should be implemented to protect the stability and monetary investment the City continues to make in technology. City Manager Garza said government organizations, in particular city governments, are prime targets for security breaches. He presented a copy of the 2020 Information Technology Recommendations provided by Mark Risinger, the City of Wharton's contract IT guru. City Secretary Paula Favors stated the goal was to improve the City of Wharton's technology stance by implementing IT and security standard practices. Mrs. Favors said total capital cost is \$21,500, yearly operational cost of \$2,650 and 89.5 hours at \$150 per hour for the IT upgrades. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-33**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE THROUGH THE TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) FOR INFORMATION TECHNOLOGY UPGRADES THROUGH CISCO SYSTEMS, INC. FOR CYBER SECURITY UPGRADES.

WHEREAS, The City of Wharton technology footprint has grown significantly in the past fifteen years and a need for Cyber Security upgrades has increased and,

WHEREAS, The need for additional measures has been identified and there is a need for upgrades to be implemented to protect the stability and monetary investment the City of Wharton has made in technology; and,

WHEREAS, The Wharton City Council wishes to purchase the needed Information Technology (IT) upgrades through the Texas Department of Information Resources (DIR) and Cisco Systems, Inc. in the amount of \$21,500.00, annual operational license fees of \$2,650.00 and installation through Mark Risinger at approximately a cost of \$13,425.00.

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

- Section I.** The City of Wharton recognizes the need for upgrades to the Cyber Security system for the Information Technology (IT) system.
- Section II.** The Wharton City Council hereby authorizes the purchase of the needed Information Technology (IT) upgrades through the Texas Department of Information Resources (DIR) and Cisco Systems, Inc. in the amount of \$21,500.00, annual operational license fees of \$2,650.00 and installation through Mark Risinger at approximately a cost of \$13,425.00.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 23rd day of March 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council rescinding Resolution 2005-34 and establishing a new Residential Development Incentive Policy for the City of Wharton, Texas. City Manager Andres Garza, Jr. stated the City Staff had been reviewing and working on the Developer Incentive Program adopted in 2004 by the City Council. City Manager Garza said the program was adopted on April 12, 2004 by Resolution 2004-28 and modified by Resolution 2005-34 on June 27, 2005. Community Development Director Gwyn Teves stated that in order to promote and encourage new residential development, the Residential Development Incentive Policy needed to be updated. After some

discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-34**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING RESOLUTION NO. 2005-34 AND ESTABLISHING A NEW RESIDENTIAL DEVELOPMENT INCENTIVE POLICY FOR THE CITY OF WHARTON, TEXAS.

WHEREAS, it was determined a need existed for residential development in the City of Wharton; and,

WHEREAS, the Wharton City Council wishes to Rescind Resolution No. 2005-34; and,

WHEREAS, on March 23, 2020, the City Council Finance Committee reviewed and recommended a Residential Development Incentive Policy be established by the Wharton City Council as follows:

RESIDENTIAL DEVELOPMENT INCENTIVE POLICY

In order to promote and encourage new residential development, the following Residential Development Incentive Policy is hereby approved and authorized by the Wharton City Council:

1. In order to be eligible for this program, the proposed residential development must meet the following criteria:
 - a) Said development must be located entirely within the corporate limits of the City of Wharton or the developer must submit a petition for voluntary annexation into the City prior to making application for this program.
 - b) Said development must consist of a minimum of twelve single family residences on lots of the minimum size as defined in the City of Wharton Subdivision Ordinance.
 - c) To be determined eligible, the proposed development and application for eligibility for the Incentive Program must be approved by a majority of the City Council.
 - d) In order to receive the incentive funds, the developer shall submit to the City "as built" plans for all infrastructure improvements and an itemized accounting of actual costs of construction. These costs shall be certified by the project engineer agency. If approved by a majority of the City

Council, rebate shall be made to the developer in an amount and manner as defined below.

2. Any person who has successfully constructed a residential subdivision on undeveloped land, under the guidelines defined above, shall be eligible for a rebate from the City to offset the cost of infrastructure improvements to service the subdivision. These improvements shall include water main construction, sewer main construction, water and sewer service leads to the property line of the lot(s), street construction and storm sewer construction, where permissible. Costs not eligible under this program shall include engineering fees, survey fees, finance fees including interest to be paid for loans associated with construction, legal fees or any other administrative or professional fees associated with this development. Eligible expenses shall be limited to the actual material and labor costs for infrastructure construction and/or extension as defined herein.
3. If approved by the City Council, an agreement shall be entered into between the City and the Developer, which will allow for a rebate for a percentage of the cost of improvements made by the developer. The term of this agreement shall be for a period not to exceed 10 years from the date of City Council approval, after which time undeveloped lots will no longer be eligible for this rebate.
4. The City will agree to reimburse the Developer 5% of the value of the developed property as appraised by the Wharton Central Appraisal District, not to exceed \$10,000 per lot. The Developer may apply for reimbursement at the rate heretofore defined, only after the construction of the residential dwelling, when all final inspections have been completed, and the house is approved for occupancy
5. This agreement shall only provide a rebate for the actual costs at the time of construction and will not provide for the accrual of interest or penalty for funds in questions. In addition, participation in this program prohibits the use of other incentive programs either in place or to be developed in the future.
6. This program only applies to the actual cost of infrastructure within the platted subdivision. Expenses incurred for the extension of services to development and/or the over sizing of utilities, drainage facilities or streets shall be subject to separate negotiations with the City.

This agreement shall be between the City and the Developer for the stipulated period not to exceed ten (10) years from the date of approval by City Council and any or all reimbursements shall be made only to the Developer of record during this period. This agreement is exclusive to the Developer of record and shall become null and

void at the end of the stipulated time period, or in the event of bankruptcy, foreclosure or abandonment of said development. The Developer may assign this agreement only with the express written consent of the City.

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

Section I. The Wharton City Council hereby establishes the afore mentioned Residential Development Incentive Policy.

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

Passed, Approved, and Adopted this the 23rd day of March 2020.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider an amendment to City of Wharton Developer-Customer Utilities, Storm Drainage, And Street Construction Services Agreement with BSR Properties V, LLC. City Manager Andres Garza, Jr. stated Mr. Brett Rowley of BSR Properties V, LLC and the City of Wharton signed a Developer-Customer Utilities, Storm Drainage, And Street Construction Services Agreement on March 12, 2019. City Manager Garza said Mr. Rowley had come back to the City and had met with staff and was requesting an amendment to the current agreement to include a reimbursement agreement with the City of Wharton. Community Development Director Gwyn Teves presented a copy of the draft agreement. After some discussion, Councilmember Alice Heard-Roberts moved to approve an amendment to City of Wharton Developer-Customer Utilities, Storm Drainage, And Street Construction Services Agreement with BSR Properties V, LLC. Councilmember Clifford Jackson 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 funding from the CDBG-DR Hurricane Infrastructure Program in the amount of \$1,650,172.00 and authorizing the Mayor of the City of Wharton and/or City

Manager to execute all documents related to said award. City Manager Andres Garza, Jr. stated that on October 10, 2018 the Mayor was notified that the City had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by HGAC, as follows:

- Infrastructure - \$1,650,172.00

Community Development Director Gwyn Teves stated the City Council approved Resolution 2020-20 authorizing the Mayor as the signatory for documents on this funding and it was a requirement by GLO that there be 2 designated signatories. After some discussion, Councilmember Russell Machann moved to approve replacing City of Wharton Resolution No. 2020-20 with City of Wharton Resolution 2020-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 - 35**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE AWARD OF FUNDING FROM THE CDBG-DR HURRICANE HARVEY INFRASTRUCTURE PROGRAM IN THE AMOUNT OF \$1,650,172.00 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON AND/OR CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The City of Wharton City Council wishes to accept the award of funding from the CDBG-DR Hurricane Harvey Infrastructure Program in the amount of \$1,650,172.00; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor and/or the City Manager of the City of Wharton to execute all documents relating to said award.

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

SECTION I. The Wharton City Council hereby approves the award of funding from the CDBG-DR Hurricane Harvey Infrastructure Program in the amount of \$1,650,172.00.

SECTION II. The Wharton City Council hereby authorizes the Mayor and/or the City Manager 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 23rd day of March 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 seventeenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of an acquisition and relocation firm for the FM 1301 Extension and establish the criteria of selection. City Manager Andres Garza, Jr. stated the City Staff wished to establish a Consultant Selection Committee for acquisition and relocation services selection and criteria to provide acquisition and relocation services for the FM 1301 Extension. Community Development Director Gwyn Teves stated the Consultant Selection Committee would consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-36**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF AN ACQUISITION AND RELOCATION FIRM FOR THE FM 1301 EXTENSION AND ESTABLISH THE CRITERIA OF SELECTION.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for acquisition and relocation services selection and criteria to provide acquisition and relocation services for the FM 1301 Extension; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council.

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 establishes the City Council Consultant Selection Committee.

Section II. That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director.

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

Passed, Approved, and Adopted this 23rd day of March 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The eighteenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of an acquisition and relocation firm for the Community Development Block Grant-Disaster Recovery Contract No. 20-066-005-C034 and establish the criteria of selection. City Manager Andres Garza, Jr. stated the City Staff wished to establish a Consultant Selection Committee for acquisition and relocation services selection and criteria to provide acquisition and relocation services for the Community Development Block Grant – Disaster Recovery Contract No. 20-066-005-C034. Community Development Director Gwyn Teves stated the Consultant Selection Committee would consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF AN ACQUISITION AND RELOCATION FIRM FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY CONTRACT NO. 20-066-005-C034 AND ESTABLISH THE CRITERIA OF SELECTION.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for acquisition and relocation services selection and criteria to provide acquisition and relocation services for the Community Development Block Grant – Disaster Recovery Contract No. 20-066-005-C034; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council.

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 establishes the City Council Consultant Selection Committee.

Section II. That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager, Community Development Director and Finance Director.

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

Passed, Approved, and Adopted this 23rd day of March 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The nineteenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a Consultant Selection Committee and developing evaluation criteria for the selection of a sanitation and decontamination service for city facilities, properties, and vehicles to be used in the event of an emergency. City Manager Andres Garza, Jr. presented a memorandum to him from Community Development Director Gwyn Teves regarding considering the

establishment of a consultant selection committee to procure a sanitation and decontamination service for the City of Wharton in case there was a need for those services. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-38, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A SANITATION AND DECONTAMINATION SERVICE FOR CITY FACILITIES, PROPERTIES, AND VEHICLES TO BE USED IN THE EVENT OF AN EMERGENCY.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the selection of a sanitation and decontamination service to be used in the event of an emergency and provide recommendations to the entire City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Public Safety Committee along with the City Manager, Community Development Director and Emergency Management Coordinator; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

WHEREAS, The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

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 establishes the City Council Consultant Selection Committee.

Section II. That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Safety Committee along with the City Manager, Community Development Director and Emergency Management Coordinator.

Section III. That the criteria as set forth in Attachment A is hereby approved.

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

Passed, Approved, and Adopted this 23rd day of March 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 twentieth item on the agenda was to review and consider the 2016 CDBG-DR Grantworks Contract COW 19-076-050-B703. City Manager Andres Garza, Jr. presented a memorandum from Community Development Director Gwyn Teves regarding an amendment to the Grantworks' Administration Service Agreement. City Manager Garza stated it had been determined that there was an inconsistency in the grant administration contract that does not reflect the full fee allocated by the GLO for professional services for this project or the fee offered by GrantWorks during the sealed bid process/application. Mrs. Teves presented an amendment to GrantWorks' administration services agreement to clarify the fee. After some discussion, Councilmember Terry Freese moved to approve the 2016 CDBG-DR Grantworks Contract COW 19-076-050-B703 with an amendment as presented. Councilmember Steve Schneider seconded the motion. All voted in favor.

Adjournment. 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 8:11 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:
Paula Favors
PAULA FAVORS
City Secretary

