

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
OCTOBER 12, 2020**

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

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

Councilmember absent was: None.

Staff members present were: Assistant City Attorney Amy Rod, Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves, Police Chief Terry David Lynch, Public Works Director John Plaia and Emergency Management Coordinator Steve Johnson.

Visitors present were: Albert Villegas with the Wharton Journal Spectator, Mindi Snyder with Gunda Corporation, Mary A. Barnes, Charlotte Bess, James Gilley, Jr., U.S. Capital Advisors, LLC, Financial Advisor for the City of Wharton, Tom Sage with Hunton Andrews Kurth, LLP and Jessica Hartmann with The County Gin.

**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 called for Wharton Moments. Mayor Barker stated City Manager Andres Garza, Jr. was out due to a medical procedure in which he was doing well after. Mayor Barker thanked Mary Barnes for hosting a meeting with residents and local political candidates at Harris Park, saying it was a positive event and a great turn out.

**Review and Consider:**

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held September 14, 2020 and September 28, 2020. After some discussion, Councilmember Russell Machann moved to approve the minutes from the regular meetings held September 14, 2020 and September 28, 2020. Councilmember Steve Schneider seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Hessed House for assistance to host a Holiday Market at Guffey Park on November 21, 2020 for the following:

1. Fee Waiver for park reservation of Guffey Park on November 21, 2020 from 3:00 p.m. to 9:00 p.m.
2. Cones, barricades or other signage to block Guffey Park from traffic and to direct to parking locations.
3. Traffic control as needed.
4. Lighting for safety.
5. Access to electrical power, if possible, for music.
6. Permission to allow for vendor sale of alcohol/samples and a fee waiver for the City permit to allow for these vendors to sell, in coordination with Wharton Police Department.
7. Trash cans, and if possible, clean up assistance.

Finance Director Joan Andel presented a copy of the request from Hessed House to host a Holiday Market at Guffey Park on November 21, 2020 from 4:00 p.m. to 8:00 p.m. After some discussion, Councilmember Alice Heard-Roberts moved to approve afore mentioned items 1. through 7. Councilmember Terry Freese seconded the motion. All voted in favor.

The third item on the agenda was to review and consider an ordinance authorizing the issuance of City of Wharton, Texas Tax Anticipation Notes, Series 2020. Finance Director Joan Andel stated that on September 14, 2020 the City Staff brought before the City Council the issuing of additional Tax Anticipation Notes in the amount of \$5,000,000 to fund the costs incurred for the levee project, HMGP drainage projects and the auxiliary power project. Mrs. Andel said that Mr. James Gilley, U.S. Capital Advisors, LLC, Financial Advisor for the City of Wharton, had recommended that the City obtain Tax Anticipation Notes for a maximum period of seven (7) years with the option of having them callable at any time. Mr. Gilley stated that he had reached out to several bidders and presented his findings to the City Council. Mrs. Andel said the Finance Committee had met and were recommending the City Council consider authorizing the issuance of City of Wharton, Texas Tax Anticipation Notes, Series 2020. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Ordinance No. 2020-17, which read as follows:

ORDINANCE NO. 2020-17  
ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF WHARTON,  
TEXAS, TAX NOTES, SERIES 2020

THE STATE OF TEXAS           §  
COUNTY OF WHARTON       §



CITY OF WHARTON §

WHEREAS, the City of Wharton, Texas (the “City”) is authorized to issue notes payable from ad valorem taxes pursuant to Chapter 1431, Texas Government Code (the “Act”), to pay contractual obligations incurred or to be incurred for the purposes set forth in Section 2 hereof; Now, Therefore

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

1. Definitions. Throughout this Ordinance the following terms and expressions as used herein shall have the meanings set forth below:

“Advance” means the amount to be advanced, from time to time on the dates and in the amounts specified in Section 4, to the City by the Purchaser pursuant to this Ordinance.

“Act” means Chapter 1431, Texas Government Code.

“Authorized Denomination” means \$250,000 and multiples of \$5,000 in excess thereof, or, if less, the aggregate principal amount of the Notes outstanding.

“Authorized Officer” means the Mayor, the City Manager, or the Director of Finance of the City.

“Business Day” means any day which is not a Saturday, Sunday, a day on which the Registrar is authorized by law or executive order to close, or a legal holiday.

“City” means the City of Wharton, Texas.

“Code” means the Internal Revenue Code of 1986, as amended.

“Comptroller” means the Comptroller of Public Accounts of the State of Texas.

“Debt Service Fund” means the Debt Service fund established by the City pursuant to Section 16 of this Ordinance.

“Initial Note” means the Initial Note authorized by Section 5(d) of this Ordinance.

“Interest Payment Date”, when used in connection with any Note, means each June 1 and December 1 until maturity or prior redemption, commencing June 1, 2021.

“Investor Letter” means the letter described in Section 19 of this Ordinance.

“Issuance Date” means the date on which the Notes are delivered to and paid for by the Purchaser.

“Note” or “Notes” means any note or all notes, as the case may be, of the City of Wharton, Texas, Tax Notes, Series 2020 authorized in this Ordinance, unless the context clearly indicates otherwise.

“Ordinance” as used herein and in the Notes means this ordinance authorizing the Notes.

“Owner” means any person who shall be the registered owner of any outstanding Note.

“Purchaser” means Prosperity Bank.

“Record Date” means, for any Interest Payment Date, the close of business on the 1st day of the month of such Interest Payment Date.

“Register” means the books of registration kept by the Registrar, in which are maintained the names and addresses of, and the principal amounts of the Notes registered to, each Owner.

“Registrar” means Prosperity Bank, and its successors in that capacity.

“Request for Advance” means the Request for Advance described in Section 4 and attached hereto as Exhibit A.

2. Amount, Purpose and Authorization. The Notes shall be issued initially as a single Note with a stated principal amount of \$5,105,000; provided, however, that the principal amount due thereon shall be only such amount as has been advanced to the City. Once repaid, such principal amounts may not be re-drawn. The proceeds of the Notes shall be used for the acquisition of land and the construction, improvement and equipment of flood control improvements and to pay the related costs of issuance for the Notes (collectively, the “Project”) pursuant to and in compliance with the Act.

3. Date, Numbers, Interest. (a) The Notes shall be dated October 15, 2020, shall be numbered I-1, and shall mature on June 1, 2027; provided, however, that the principal amount of each Advance shall be payable in level semiannual installments on June 1 and December 1 of each year commencing from first June 1 or December 1 following the date of such Advance until maturity. The Notes shall bear interest on the outstanding principal amount advanced to the City at rate of 2.89% per annum, accruing from the date of each Advance, and payable on each Interest Payment Date. Interest on the Notes shall be calculated on the basis of a 360-day year consisting of twelve 30-day months from the date on which each Advance is made or from the most recent Interest Payment Date to which such interest has been paid or duly provided for.

4. Advances. (a) The initial Advance under the Notes shall be made on the Issuance Date in the amount of \$2,605,000.

(b) Subsequent Advances shall be made on each of the following dates and in the following principal amounts:

Date

Amount



June 1, 2021	\$ 1,500,000
December 1, 2021	1,000,000

A payment schedule for the Notes is attached hereto as Schedule I.

(d) To initiate an Advance, an Authorized Officer shall deliver to the Purchaser a Request for Advance. The Purchaser shall then make the Advance in accordance with this Ordinance and the Request for Advance.

(e) The City hereby expressly warrants and covenants that the certifications made by an Authorized Officer in each Request for Advance will be true, correct, accurate, and complete on and as of the respective dates on which they are made, and the City shall be bound thereby, and the Financial Advisor, Bond Counsel, and the Purchaser are entitled to accept the same as true and correct and shall be under no obligation to make inquiry beyond the Authorized Officer's certification.

5. Execution of Notes; Seal. (a) The Notes shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Notes shall have the same effect as if each of the Notes had been signed manually and in person by each of said officers, and such facsimile seal on the Notes shall have the same effect as if the official seal of the City had been manually impressed upon each of the Notes.

(b) If any officer of the City whose manual or facsimile signature shall appear on the Notes shall cease to be such officer before the authentication of such Notes or before the delivery of such Notes, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Note shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Registrar's Authentication Certificate substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Registrar. In lieu of the executed Registrar's Authentication Certificate described above, the Initial Note delivered at the Issuance Date shall have attached hereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by his duly authorized agent, which certificate shall be evidence that the Initial Note has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Issuance Date, the Initial Note, being a single note representing the entire principal amount of the Notes, executed by manual or facsimile signature of the Mayor and the City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, shall be delivered to the Purchaser or its designee. If the Purchaser desires, it may hold the Initial Note in lieu of holding definitive Notes.

6. Payment of Principal and Interest. The Registrar is hereby appointed as the paying



agent and registrar for the Notes (the “Paying Agent/Registrar”). The principal of the Notes shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, upon their presentation and surrender at maturity to the Registrar at its principal payment office in Houston, Texas. The interest on each Note shall be payable on each Interest Payment Date, by check mailed by the Registrar on or before the Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register, or by such other method, requested by the Owner, acceptable to the Registrar. However, so long as the Purchaser is the Owner of the Notes, payments of principal and interest shall be made by automatic draft.

If the date for payment of the principal of or interest on any Note is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

7. Successor Registrars. The City covenants that at all times while any Notes are outstanding it will provide a commercial bank, trust company, financial institution or other entity duly qualified and legally authorized to serve as and perform the duties and services of Registrar for the Notes. The City reserves the right to change the Registrar on not less than 30 days written notice to the Registrar, so long as any such notice is effective not less than 60 days prior to the next succeeding principal or Interest Payment Date on the Notes; provided, that the City shall not terminate the initial Paying Agent/Registrar so long as the initial Purchaser is the sole Owner of the Notes. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first class postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

8. Special Record Date. If interest on any Note is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

9. Ownership; Unclaimed Principal and Interest. The City, the Registrar and any other person may treat the person in whose name any Note is registered as the absolute Owner of such Note for the purpose of making and receiving payment of the principal of or interest on such Note, and for all other purposes, whether or not such Note is overdue, and neither the City nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Note in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Registrar upon such Note to the extent of the sums paid.



Amounts held by the Registrar which represent principal of and interest on the Notes remaining unclaimed by the Owner after the expiration of three years from the date such amounts have become due and payable shall be reported and disposed of by the Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

10. Registration, Transfer, and Exchange. So long as any Notes remain outstanding, the Registrar shall keep the Register at its principal payment office in Houston, Texas, and subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Notes in accordance with the terms of this Ordinance.

Each Note shall be transferable only upon the presentation and surrender thereof at the principal payment office of the Registrar in Houston, TX, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Note in proper form for transfer, the Registrar shall authenticate and deliver in exchange therefor, within three Business Days after such presentation, a new Note or Notes, registered in the name of the transferee or transferees, in Authorized Denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Note or Notes so presented.

All Notes shall be exchangeable upon presentation and surrender at the principal payment office of the Registrar in Houston, Texas, for a Note or Notes of like maturity and interest rate and in any Authorized Denomination, in an aggregate amount equal to the unpaid principal amount of the Note or Notes presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Notes in accordance with the provisions of this Section. Each Note delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Note or Notes in lieu of which such Note is delivered.

The City or the Registrar may require the Owner of any Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Note. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the City.

Notwithstanding the foregoing, the Notes may only be transferred in Authorized Denominations to (a) an affiliate of an Owner of the Notes, (b) a trust or custodial arrangement established by an Owner of the Notes or one of its affiliates, the owners of the beneficial interests in which are limited to qualified institutional buyers, as defined in Rule 144A promulgated under the Securities Act of 1933, as amended (the "1933 Act"), or (c) to a person that is a qualified institutional buyer that is a commercial bank having a combined capital and surplus, determined as of the date of any transfer pursuant to this Section, of \$5,000,000,000 or more that has executed and delivered to the City a letter in substantially the form of the Investor Letter.

11. Mutilated, Lost, or Stolen Notes. Upon the presentation and surrender to the Registrar of a mutilated Note, the Registrar shall authenticate and deliver in exchange therefor a replacement Note of like maturity, interest rate, and principal amount, bearing a number not



contemporaneously outstanding. If any Note is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Note has been acquired by a bona fide purchaser, shall authorize and the Registrar shall authenticate and deliver a replacement Note of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The City or the Registrar may require the Owner of a mutilated Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar. The City or the Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Note, before any replacement Note is issued, to:

- (1) furnish to the City and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Note;
- (2) furnish such security or indemnity as may be required by the Registrar and the City to save them harmless;
- (3) pay all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (4) meet any other reasonable requirements of the City and the Registrar.

If, after the delivery of such replacement Note, a bona fide purchaser of the original Note in lieu of which such replacement Note was issued presents for payment such original Note, the City and the Registrar shall be entitled to recover such replacement Note from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Note has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Note, authorize the Registrar to pay such Note.

Each replacement Note delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Note or Notes in lieu of which such replacement Note is delivered.

12. Cancellation of Notes. All Notes paid in accordance with this Ordinance, and all Notes in lieu of which exchange Notes or replacement Notes are authenticated and delivered in accordance herewith, shall be cancelled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the City with appropriate certificates of destruction of such Notes.

13. Optional Redemption; Defeasance. (a) The City reserves the right, at its option, to redeem prior to maturity the Notes, in whole or in part, on any date, at a price equal to the principal



amount of the Notes or portions thereof called for redemption plus accrued interest to the date of redemption.

(b) Notes may be redeemed only in Authorized Denominations. Upon surrender of any Note for redemption in part, the Registrar shall note in the Payment Record attached to the Notes in the form set out in Section 14(b) the amount of such payment or partial redemption, the date said payment was made and the remaining unpaid principal balance of the Notes and shall have the entry signed by an authorized official of the Paying Agent/Registrar.

(c) Not less than thirty (30) days prior to a redemption date for the Notes, a notice of redemption will be sent by U.S. mail, first class postage prepaid, in the name of the City to each Owner of a Note to be redeemed in whole or in part at the address of such Owner appearing on the Register at the close of business on the Business Day next preceding the date of mailing. Such notices shall state the redemption date, the redemption price, the place at which Notes are to be surrendered for payment and, if less than all Notes outstanding are to be redeemed, the numbers of Notes or portions thereof to be redeemed. Any notice of redemption so mailed as provided in this Section will be conclusively presumed to have been duly given, whether or not the Registered Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for payment of the redemption price of the Notes or portions thereof to be redeemed. When Notes have been called for redemption in whole or in part and notice of redemption has been given as herein provided, the Notes or portions thereof so redeemed shall no longer be regarded to be outstanding, except for the purpose of receiving payment solely from the funds so provided for redemption, and interest which would otherwise accrue after the redemption date on any Note or portion thereof called for redemption shall terminate on the date fixed for redemption.

(d) The Notes may be discharged or defeased in any manner now or hereafter permitted by law.

14. Forms. The form of the Notes, including the form of the Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller shall be, respectively, substantially as follows, with such additions, deletions and variations as may be necessary or desirable and not prohibited by this Ordinance:

(a) Form of Note.

**THIS NOTE MAY NOT BE TRANSFERRED EXCEPT IN ACCORDANCE WITH  
SECTION 10 OF THE ORDINANCE.**

UNITED STATES OF AMERICA  
STATE OF TEXAS  
COUNTY OF WHARTON

NUMBER  
R- \_\_\_\_\_<sup>1</sup>  
REGISTERED

DENOMINATION  
\$5,105,000  
REGISTERED

CITY OF WHARTON, TEXAS  
TAX NOTES  
SERIES 2020

INTEREST RATE: 2.89%      MATURITY DATE: June 1, 2027      DATED DATE: October 15, 2020      ISSUANCE DATE: October 28, 2020

REGISTERED OWNER: PROSPERITY BANK

PRINCIPAL AMOUNT: FIVE MILLION ONE HUNDRED FIVE THOUSAND DOLLARS

The City of Wharton, Texas (the “City”) promises to pay to the registered owner identified above, or registered assigns, on the maturity date specified above, upon presentation and surrender of this Note at Prosperity Bank (the “Registrar”), at its principal payment office in Houston, Texas, the principal amount identified above as shall have been advanced to the City, bearing interest at the rate shown above and with principal installments on each Advance payable on June 1 and December 1 of each year until maturity payable in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, and to pay interest thereon at the rate shown above, calculated on the basis of a 360-day year of twelve 30-day months, from the date on which each Advance is made or from the most recent Interest Payment Date to which interest has been paid or duly provided for. Interest on this Note is payable by check on each June 1 and December 1 until maturity or prior redemption, beginning on June 1, 2021, mailed to the registered owner of record as of the close of business on the first day of the month preceding each Interest Payment Date or by such other method acceptable to the Registrar requested by, and at the risk and expense of, the Owner.

THIS NOTE is one of a duly authorized issue of Notes, aggregating \$5,105,000, issued for the acquisition of land and the construction, improvement and equipment of flood control improvements and to pay the related costs of issuance for the Notes, under and in strict conformity with the Constitution and laws of the State of Texas, including Chapter 1431, Texas Government Code, and pursuant to an ordinance adopted by the City (the “Ordinance”), which Ordinance is of record in the official minutes of the City Council.

THIS NOTE IS EXCHANGEABLE at the principal payment office of the Registrar in Houston, Texas, for notes in the principal amount of \$250,000 or any integral multiple of \$5,000 in excess thereof, subject to the terms and conditions of the Ordinance.

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<sup>1</sup> The number of the initial Notes shall be preceded by the letter “I”; the number of Notes issued in exchange or transfer for other Notes shall be preceded by the letter “R”.



THE CITY RESERVES THE RIGHT, at its option, to redeem prior to maturity the Notes, in whole or in part, on any date, at a price equal to the principal amount of the Notes or portions thereof called for redemption plus accrued interest to the date of redemption.

NOTICE OF ANY REDEMPTION shall be given at least thirty (30) days prior to the date fixed for redemption by first class U.S. mail, postage prepaid, addressed to the registered owner of each Note to be redeemed in whole or in part at the address shown on the books of registration kept by the Registrar. When Notes or portions thereof have been called for redemption, and due provision has been made to redeem the same, the amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall cease to accrue on the date fixed for redemption.

THIS NOTE IS TRANSFERABLE only upon presentation and surrender at the principal corporate trust office of the Registrar, accompanied by an assignment duly executed by the Registered Owner or its authorized representative, subject to the terms and conditions of the Ordinance.

THIS NOTE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Note is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

THE REGISTERED OWNER of this Note, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

THE CITY has covenanted in the Ordinance that it will at all times provide a legally qualified registrar for the Notes and will cause notice of any change of registrar to be mailed to each registered owner.

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Note have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied, within the limits prescribed by law, against all taxable property in the City and have been pledged irrevocably for such payment.

IN WITNESS WHEREOF, this Note has been signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of the City, and the official seal of the City has been duly impressed, or placed in facsimile, on this Note.

CITY OF WHARTON, TEXAS

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Mayor

\_\_\_\_\_  
City Secretary

(SEAL)

(b) Form of Payment Record.

PAYMENT RECORD

<u>Date of Payment</u>	<u>Principal Payment Amount</u>	<u>Remaining Principal Balance</u>	<u>Name and Title of Authorized Officer</u>	<u>Signature of Authorized Officer</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(c) Form of Registration Certificate.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. \_\_\_\_\_

I hereby certify that this Note has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Note has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

(d) Form of Registrar's Authentication Certificate.

AUTHENTICATION CERTIFICATE

It is hereby certified that this Note has been delivered pursuant



to the Ordinance described in the text of this Note.

Prosperity Bank

By \_\_\_\_\_  
Authorized Signature  
Date of Authentication \_\_\_\_\_

(e) Form of Assignment.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

\_\_\_\_\_  
(Please print or type name, address, and zip code of Transferee)

\_\_\_\_\_  
(Please insert Social Security or Taxpayer Identification Number of Transferee)  
the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints  
\_\_\_\_\_ attorney to transfer said  
Note on the books kept for registration thereof, with full power of substitution in the premises.

DATED: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
\_\_\_\_\_

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

\_\_\_\_\_  
Registered Owner

NOTICE: The signature above must correspond to the name of the registered owner as shown on the face of this Note in every particular, without any alteration, enlargement or change whatsoever.

15. Project Fund. A special fund or account, to be designated the “City of Wharton, Texas Tax Note, Series 2020 Project Fund” (the “Project Fund”) is hereby created and shall be established and maintained at the depository bank of the City. The proceeds from the sale of the Note shall be deposited in the Project Fund and be used solely for paying the costs of the Project.

16. Debt Service Fund; Tax Levy. The proceeds from all taxes levied, assessed and collected for and on account of the Notes authorized by this Ordinance shall be deposited, as collected, in a special fund to be designated “City of Wharton, Texas, Tax Notes, Series 2020, Debt Service Fund.” While the Notes or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually levied, assessed and collected in due time, form and manner and at the same time other City taxes are levied, assessed and collected, in each year, a continuing direct annual ad valorem tax, within the limits prescribed

by law, upon all taxable property in the City sufficient to pay the current interest on said Notes as the same becomes due, and to provide and maintain a sinking fund sufficient to pay the principal of the Notes as such principal matures or otherwise becomes due but never less than two percent (2%) of the original principal amount of the Notes each year, full allowance being made for delinquencies and costs of collection, and said taxes when collected shall be applied to the payment of the interest on and principal of the Notes and to no other purpose.

To pay the debt service coming due, if any, on the Notes issued prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

17. Application of Chapter 1208, Government Code. Chapter 1208, Government Code, applies to the issuance of the Notes and the pledge of the taxes granted by the City under Section 16 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Notes are outstanding an unpaid such that the pledge of the taxes granted by the City under Section 16 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Notes the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

18. Further Proceedings. After the Initial Note has been executed, it shall be the duty of the Mayor and other appropriate officials and agents of the City to deliver the Initial Note and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval. After the Initial Note has been approved by the Attorney General, it shall be delivered to the Comptroller for registration. Upon registration of the Initial Note, the Comptroller (or the Comptroller's bond clerk or an assistant bond clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

19. Sale; Investor Letter. The Notes are hereby sold and shall be delivered to the Purchaser at a price of par, in accordance with the terms of the Investor Letter, presented to and hereby approved by the City Council, which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized to do any and all things necessary or desirable to satisfy the reasonable conditions of the Purchaser for the purchase of the Notes and to provide for the issuance and delivery of the Notes.

20. Covenants to Maintain Tax Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“Code” means the Internal Revenue Code of 1986, as amended by all



legislation, if any, enacted on or before the Issue Date.

“Computation Date” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Investment” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Issue Date” for each series or sub-series of the Notes or other obligations of the City is the respective date on which such series or sub-series of the Notes or other obligations of the City is delivered against payment therefor.

“Net Sale Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Rebate Amount” has the meaning stated in Section 1.148-3 of the Regulations.

“Regulations” means the temporary or final Income Tax Regulations applicable to the Notes issued pursuant to Sections 141 through 150 of the Code. Any reference to a section of the Regulations shall also refer to any successor provision to such section hereafter promulgated by the Internal Revenue Service pursuant to Sections 141 through 150 of the Code and applicable to the Notes.

“Yield of”

(1) any Investment shall be computed in accordance with Section 1.148-5 of the Regulations, and

(2) the Notes shall be computed in accordance with Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of or omit to use Gross Proceeds of the Notes or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted, respectively, would cause the interest on any Note to become includable in the gross income, as defined in Section 61 of the Code, of the Owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City

shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Note, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall, at all times after the Issue Date of any Note and prior to the last stated maturity of the Notes,

(i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of the Notes and not use or permit the use of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or

(ii) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of the Notes or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds other than taxes of general application and interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the Regulations and rulings relating to section 141 of the Code, the City shall not use Gross Proceeds of the Notes to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be “loaned” to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take or pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such property are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the final stated maturity or final payment of the Notes, directly or indirectly invest Gross Proceeds of the Notes in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Notes.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Notes to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.



(g) Information Report. The City shall timely file with the Secretary of the Treasury the information required by Section 149(e) of the Code with respect to the Notes on such forms and in such place as such Secretary may prescribe.

(h) Payment of Rebate Amount. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder, the City shall:

(i) account for all Gross Proceeds of the Notes (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of such accounting for at least nine years after the final Computation Date. The City may, however, to the extent permitted by law, commingle Gross Proceeds of the Notes with other money of the City, provided that the City separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith,

(ii) calculate the Rebate Amount with respect to the Notes not less frequently than each Computation Date, in accordance with rules set forth in Section 148(f) of the Code, Section 1.148-3 of the Regulations, and the rulings thereunder. The City shall maintain a copy of such calculations for at least three years after the final Computation Date,

(iii) as additional consideration for the purchase of the Notes by the Purchaser thereof and the loan of the money represented thereby, and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the Owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (ii) above at the times, in the installments, to the place, in the manner and accompanied by such forms or other information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and

(iv) exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (ii) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time after the Issue Date of the Notes and prior to the earlier of the final stated maturity or final payment of the Notes, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Notes not been relevant to either party.

(j) Not Hedge Bonds. The City will not invest more than 50 percent of the Proceeds of

the Notes in Nonpurpose Investments having a guaranteed yield for four years or more. On the Issue Date, the City will reasonably expect that at least 85 percent of the Net Sale Proceeds of the Notes will be used to carry out the governmental purpose of such series within three years after the Issue Date.

21. Use of Proceeds. Proceeds from the sale of the Notes shall be used for the purposes described in Section 2 of this Ordinance and for paying the costs of issuance of the Notes. Any proceeds remaining after accomplishing the purposes set out in Section 2 and paying costs of issuance, including earnings on investments of such proceeds, shall be transferred to the Debt Service Fund.

22. Reporting Requirements. (a) The Notes are exempt from SEC Rule 15c2-12, and the City does not intend to make any contract to provide continuing disclosure information after the issuance of the Notes.

(b) While the Notes remain outstanding, unless waived by the Purchaser, the City shall provide to the Purchaser (i) annual audited financial statements within 270 days after the close of each fiscal year and (ii) the City's annual budget within the earlier of 30 days of approval of such budget or the beginning of each new fiscal year.

23. Remedies in Event of Default. The City covenants and agrees that in the event of default in the payment of principal or interest on any of the Notes when due or defaults in the observance or performance of any other of the contracts, covenants, conditions or obligations set forth in this Ordinance or in the Notes, or in the event of the bankruptcy or insolvency of the City (each, an "Event of Default"), the Owners shall have the right, to the full extent permitted by law, to take whatever action at law or in equity (including obtaining a writ of mandamus) may appear necessary or desirable to collect payments of principal and interest then due or to enforce performance and observance any other contract, covenant, condition or obligation under this Ordinance.

24. Related Matters. The Mayor, the City Manager, the City Secretary, and other appropriate officials of the City are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms of this Ordinance.

25. Paying Agent/Registrar. The form of agreement setting forth the duties of the Paying Agent/Registrar is hereby approved, and the appropriate officials of the City are hereby authorized to execute such agreement for and on behalf of the City.

26. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Notes or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Notes.

27. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.



PASSED AND APPROVED on the 12<sup>th</sup> day of October, 2020.

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Mayor  
City of Wharton, Texas

ATTEST:

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City Secretary  
City of Wharton, Texas

(SEAL)

APPROVED AS TO LEGALITY:

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Bond Attorney  
HUNTON ANDREWS KURTH

**SCHEDULE I**

**PAYMENT SCHEDULE**

(see attached)



**EXHIBIT A**

**REQUEST FOR ADVANCE**

PURCHASER: \_\_\_\_\_

DATE OF REQUEST: \_\_\_\_\_

BORROWER/ISSUER: City of Wharton, Texas (the "City")

This Request for Advance is delivered pursuant to Section 4 of that certain Ordinance adopted by the City Council of the City on October 12, 2020. All capitalized terms used and not otherwise defined herein shall have the same meanings as those set forth in said Ordinance.

The City hereby requests an Advance (the "Requested Advance") as follows:

1. The aggregate principal amount of the Requested Advance is \$ \_\_\_\_\_.
2. The date on which the Requested Advance is to be made is \_\_\_\_\_, \_\_\_\_\_, which date is at least three Business Days after the date of this Request for Advance.
3. The aggregate amount of all outstanding Advances and the Requested Advance is: \$ \_\_\_\_\_ which amount is less than or equal to \$5,105,000.
4. The Requested Advance is to be deposited by direct credit to the City's checking account # \_\_\_\_\_ held by the Purchaser.
5. No Event of Default as described in Section 23 of the Ordinance has occurred and is continuing.

CITY OF WHARTON, TEXAS

By: \_\_\_\_\_  
Authorized Officer

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Manager to purchase three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program. Finance Director Joan Andel presented a copy of a resolution authorizing the City Manager to purchase three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program and a copy of a memorandum from Chief Terry Lynch requesting the replacement of three vehicles for the Wharton Police Department.

Chief Lynch stated the purchase of all three (3) patrol vehicles totaling \$141,890.00 was budgeted for in the 2020-2021 year which was approved by City Council. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-104, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2020-104**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) PATROL VEHICLES FROM CALDWELL COUNTRY THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM.**

**WHEREAS,** The Wharton City Council has appropriated funds for the purchase of three (3) patrol vehicles from Caldwell Country through the Buy Board Cooperative Purchasing Program; and,

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

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to purchase three (3) marked 2021 Chevrolet Tahoe's in the amount of \$141,890.00 from Caldwell Country through Buy Board Cooperative Purchasing Program; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to execute the agreement related to the purchase of the vehicles.

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

**SECTION I.** The Wharton City Council hereby authorizes the City Manager to purchase of three (3) marked 2021 Chevrolet Tahoe in the amount of \$141,890.00 (including the added graphics) from Caldwell Country through the Buy Board Cooperative Program.

**SECTION II.** The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the vehicles.

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

**PASSED AND APPROVED** this 12th day of October 2020.

**CITY OF WHARTON**

\_\_\_\_\_  
**TIM BARKER**  
Mayor



**ATTEST:**

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**Paula Favors**  
**City Secretary**

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

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council not deferring certain payroll tax obligations for the period of September 1, 2020 through December 31, 2020. Finance Director Joan Anandel presented a copy of a memorandum to City Manager Andres Garza, Jr. regarding the deferral of payroll tax obligations. Mrs. Anandel stated that on August 8, 2020, the President of the United States issued a Presidential Memorandum directing the Secretary of the Treasury to allow for the deference of certain payroll tax obligations for the period of September 1, 2020 through December 31, 2020. She said the deferral applied only to employee's whose share of social security taxes, 6.2% of wages less than \$4,000 on a bi-weekly pay period and it is at the option of the City to participate and the notice from the Treasury Department stated that the payment of these withheld wages, if chosen to participate, would be postponed until January 1, 2021 through April 30, 2021. Mrs. Anandel stated that it was the City Staff's recommendation that the City not defer any applicable social security taxes for the period of September 1, 2020 through December 31, 2020 and if deferred the City would be responsible for recouping these taxes between the period of January 1, 2021 to April 30, 2021. She said that the Finance Committee met on October 12, 2020 and were recommending the City Council consider not deferring certain payroll tax obligations for the period of September 1, 2020 through December 31, 2020. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-105, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2020-105**

**A RESOLUTION OF THE WHARTON CITY COUNCIL NOT DEFERRING CERTAIN PAYROLL TAX OBLIGATIONS FOR THE PERIOD OF SEPTEMBER 1, 2020 THROUGH DECEMBER 31, 2020.**

**WHEREAS,** On August 8, 2020, the President of the United States issued a Presidential Memorandum directing the Secretary of the Treasury to allow for the deference of certain payroll tax obligations for the period of September 1, 2020 through December 31, 2020 and,

**WHEREAS,** The Wharton City Council does not intend to participate in this deferral.

**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 to not defer certain payroll tax obligations as presented by the President of the United States.

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

**Passed, Approved, and Adopted** this 12th day of October 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 sixth item on the agenda was to review and consider an ordinance declaring a public necessity for the acquisition of fee simple title to below listed properties located in Wharton, Texas, for a public purpose, namely the acquisition, improvement and maintenance of the road extension project between FM 1301 and US 59 and authorizing the City Attorney and the Law Offices of Davidson & Troilo, a professional corporation, to file eminent domain proceedings; ratifying and affirming all prior acts and proceedings done or initiated by attorneys and employees of the City to acquire such property; authorizing all other lawful action necessary or incidental to such acquisition or eminent domain proceedings. Finance Director Joan Anandel stated the City of Wharton Staff had been working with TxDOT to complete the FM 1301 Extension Project and with IDCUS as selected by the City Council, the Right of Way had been identified for acquisition of the project. Community Development Director Gwyn Teves stated that as a requirement for acquisition, if the property owners were not willing to negotiate with the City and condemnation was required, the City needed to have a Public Purpose Ordinance in place. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2020-18, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2020-18**

**AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO BELOW LISTED PROPERTIES LOCATED IN WHARTON, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, IMPROVEMENT AND MAINTENANCE OF THE ROAD EXTENSION PROJECT BETWEEN FM 1301 AND US 59 AND AUTHORIZING THE CITY ATTORNEY AND THE LAW OFFICES OF DAVIDSON & TROILO, A PROFESSIONAL CORPORATION, TO FILE EMINENT**



**DOMAIN PROCEEDINGS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITION OR EMINENT DOMAIN PROCEEDINGS.**

**WHEREAS**, the City of Wharton, Texas, has determined that the tract(s) or parcel(s) of land, hereinafter described, are required for the FM 1301 Extension Project; and

**WHEREAS**, the City may be unable to acquire or purchase fee simple interest in said parcel(s) by negotiation and the City would then be compelled to exercise its power of eminent domain; now

**BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:**

**SECTION I. AUTHORIZATION.** In the event that the City staff is unable to acquire the property by negotiation by reason of its inability to agree with the owners thereof as to the value of the parcel, or is unable to acquire the parcel for any other reason, the City Manager, through the City Attorney and/or designated special counsel under the direction of the City Attorney, are hereby authorized and directed to institute and prosecute to conclusion all necessary proceedings to condemn the property. The City Attorney is hereby authorized to retain the services of the law firm of Davidson & Troilo, P.C. as special counsel as may be needed from time to time and to pay for the services rendered from any appropriations as may be made for the purpose. Additionally, the City is authorized to retain the professional services of an appraiser, to value the subject tract(s).

**SECTION II. PUBLIC NECESSITY** The City Council of Wharton, Wharton County, Texas, declares that a public necessity exists for the City of Wharton to acquire the real property located in Wharton County, Texas, and described in Exhibit "A" attached hereto and made a part hereof. The City Attorney, Paul Webb, and Special Legal Counsel, Davidson, Troilo, Ream & Garza P. C., are hereby directed to finally determine the owner(s) of said real property, coordinate with the Wharton City Manager in an attempt to finally negotiate the purchase or grant of a fee simple interest in and to said properties in Exhibit "A"; and failing such effort at final negotiation, to institute and prosecute to conclusion, an eminent domain condemnation suit against the known and/or unknown owner(s) of said property and against any and all other person(s) and legal entities who own or claim any interest in said lands; and to acquire the real estate for the FM 1301 Extension Project.

**SECTION III. INCORPORATION OF RECITALS.** The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct and incorporates such recitals as findings of fact.

**SECTION IV. SEVERABILITY.** If any provision of this Ordinance or the application hereof to any circumstance shall ever be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the governing body hereby declares that this Ordinance would have been enacted without such invalid provision; and that in lieu of each clause or provision of this Ordinance that is deemed invalid, illegal, or unenforceable, there then will be added by the Mayor as necessary, with the approval of the City

Manager and City Attorney as to form and legality, and as a part of the Ordinance, a substitute or additional clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be legally possible, valid and enforceable.

**SECTION V. EFFECTIVE DATE.** This Ordinance shall become effective immediately following its passage.

**SECTION VI. OPEN MEETINGS** The City finds that this Ordinance was discussed, considered, and appropriate action was taken upon it in accordance with the Texas Open Meetings Act requirements of Texas law, set forth in Tex. Gov't Code Ann. as amended, Title 5, Chapter Sec. 551.001 et seq.

**PASSED AND ADOPTED** this the 12<sup>th</sup> day of October 2020.

**CITY OF WHARTON**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

**APPROVED AS TO FORM:**

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**AMY ROD**  
Assistant City Attorney

Exhibit "A"

R062659	A20038 ABST.38 TRACT 64A-3
R026652	WHARTON BLOCK 60 LOT 20,21
R011498	BLASINGAME LOT 5
R011499	BLASINGAME LOT 6,7
R011500	BLASINGAME LOT 8
R032035	A20038 ABST .38 TRACT 45A,51,52



R031201	A20034 ABST .34 TRACT 43,44
R051657	A20034 ABST .34 TRACT 57 SOUTH
R031191	A20034 ABST .34 TRACT 40-2 SOUTH
R031194	A20034 ABST .34 TRACT 40-2A SOUTH
R060871	A20034 ABST .34 TRACT 40-3
R031169	A20034 ABST .34 TRACT 37
RAILROAD	A20038 ABST .38
R031928	A20038 ABST .38

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

The seventh item on the agenda was to review and consider Community Development Block Grant-Mitigation (CDBG-MIT):

- A. Resolution: A resolution of the Wharton City Council authorizing the submission of a Community Development Block Grant-Mitigation (CDBG-MIT) Application to the Texas General Land Office and authorizing the Mayor and City Manager to act as the City's executive officers and authorized representatives in all matters pertaining to the City's participation in the CDBG-MIT Program.
- B. Resolution: A resolution of the Wharton City Council adopting a procedure for financial payments and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.
- C. Resolution: A resolution of the Wharton City Council adopting procurement policies and procedures for federal grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.
- D. Resolution: A resolution of the Wharton City Council adopting a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program and authorizing the Mayor of the City of Wharton to execute all documents related to said plan.

Finance Director Joan Andel stated that during the August 24, 2020 City Council Regular meeting the Council awarded a grant administration services contract and an engineering contract and the City Staff had been working with GrantWorks, Inc. and Gunda Engineering to create a viable project for application. Community Development Director Gwyn Teves stated that a project had been identified and the application process had begun. Mrs. Teves said the project application could possibly be for up to \$28,000,000 and the City Staff and consultants had identified a project to reduce the infiltration and inundation into the City's system. She said that part of the GLO requirements were that the City have in place the following three policies and procedures:

1. Citizen's Participation Plan.
2. Procurement Policy.
3. Procedures for Financial Payments.

Mrs. Andel stated the City Council Public Works Committee met on October 12, 2020 and were recommending the City Council consider approving the three policies and procedures. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2020-106, 2020-107, 2020-108 and 2020-109, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2020-106**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) APPLICATION TO THE TEXAS GENERAL LAND OFFICE AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICERS AND AUTHORIZED REPRESENTATIVES IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-MIT PROGRAM.**

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

**WHEREAS,** Certain conditions exist related to disastrous events, which represent a threat to the public health, safety and welfare; and,

**WHEREAS,** It is necessary and in the best interests of to apply for funding under the CDBG-MIT Program.

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

**Section I.** That a CDBG-MIT application is hereby authorized to be filed with the Texas General Land Office for funding consideration under the Community Development Block Grant-Mitigation.

**Section II.** That the application be for up to \$28,000,000 of grant funds to provide citywide wastewater improvements.

**Section III.** That the Mayor and City Manager are designated as the Chief Executive Officers and Authorized Representatives to act in all matters in connection with this application and participation in the CDBG-MIT Program.

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

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



**Section VI.** That contributing funds in the amount of up to \$280,000 in cash are committed by the City of Wharton toward application activities

**Passed, Approved and Adopted this 12th day of October 2020.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**

**CITY OF WHARTON**  
**RESOLUTION NO. 2020-107**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROCEDURE FOR FINANCIAL PAYMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.**

**WHEREAS,** The City of Wharton is required to develop and adopt Procedures for Financial Payments; and,

**WHEREAS,** The Procedures for Financial Payments is attached as Exhibit A; and,

**WHEREAS,** The Wharton City Council wishes to adopt the City of Wharton Procedures for Financial Payments.

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

**Section I.** The Wharton City Council hereby approves and adopts the City of Wharton Procedures for Financial Payments Exhibit A as attached.

**Section II.** The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

**Passed, Approved and Adopted this 12th day of October 2020.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

ATTEST:

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**

**CITY OF WHARTON**  
**RESOLUTION NO. 2020-108**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING PROCUREMENT POLICIES AND PROCEDURES FOR FEDERAL GRANTS FOR THE TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION (CDBG-MIT) PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.**

**WHEREAS,** The City of Wharton is required to develop and adopt Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program; and,

**WHEREAS,** The Procurement Policies and Procedures for Federal Grants is attached as Exhibit A; and,

**WHEREAS,** The Wharton City Council wishes to adopt Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program.

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

**Section I.** The Wharton City Council hereby approves and adopts the Procurement Policies and Procedures for Federal Grants for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program Exhibit A as attached.

**Section II.** The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

Passed, Approved and Adopted this 12th day of October 2020.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

ATTEST:



\_\_\_\_\_  
**Paula Favors**  
**City Secretary**

**CITY OF WHARTON**  
**RESOLUTION NO. 2020-109**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A CITIZEN PARTICIPATION PLAN FOR THE TEXAS GENERAL LAND OFFICE (GLO) COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION (CDBG-MIT) PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.**

**WHEREAS,** The City of Wharton is required to develop and adopt a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program; and,

**WHEREAS,** The Plan is in both English (Exhibit A) and Spanish (Exhibit B); and,

**WHEREAS,** The Wharton City Council wishes to adopt a Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program.

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

**Section I.** The Wharton City Council hereby approves and adopts the Citizen Participation Plan for the Texas General Land Office (GLO) Community Development Block Grant Mitigation (CDBG-MIT) Program in both English (Exhibit A) and Spanish (Exhibit B) as attached.

**Section II.** The Wharton City Council hereby authorizes the Mayor or the City of Wharton to execute all documents related to said plan.

Passed, Approved and Adopted this 12th day of October 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 eighth item on the agenda was to review and consider City of Wharton 2020 Street Improvement Project:

- A. Update on the 2020 Street Improvement Project.
- B. Change Order No. 1.

Finance Director Joan Andel presented a copy of Change Order No. 1 from Fuquay, Inc., for the 2020 Street Improvement Project. Public Works Director John Plaia presented the City Council with an update on the 2020 Street Improvement Project and Change Order No. 1 in the amount of \$133,724.86. After some discussion, Councilmember Terry Freese moved to approve the 2020 Street Improvement Project Change Order No. 1 in the amount of \$133,724.86. Councilmember Clifford Jackson 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 agreement between the City of Wharton and Texas Target Communities, Texas A&M University for the Master Plan and Landscape Improvement Design for the Levee Green Space and Downtown Business District of the City of Wharton, Texas and authorizing the Mayor of the City of Wharton to execute all documents related to said project. Finance Director Joan Andel stated the Texas Target Communities' Program Coordinator Jeewasmi Thapa, AICP contacted the City of Wharton regarding the submission of the 'Levee Greenspace & Parks Plan' proposal as a project for consideration for their program. Mrs. Andel stated the Community Development Department submitted a proposal for a plan that would include levee greenspace planning for the levee footprint and connecting existing parks/Santa Fe Trail to the proposed greenspace design through bike lanes and trail extensions with the intention of this plan producing a step-by-step guide that gives design to the greenspace and to overall serve as a much needed 'Parks and Greenspace Plan'. Community Development Director Gwyn Teves stated the plan would be derived from details noted in the City's Comprehensive Plan, including studies such as the APA plan "After the Floods: planning for Community, Connections, and Resilience" commissioned by the Wharton Economic Development Corporation. Mrs. Teves said the Texas Target Communities was a learning-service program at Texas A&M, and included the College of Architecture, the Department of Landscape Architecture and Urban Planning and the Public Partnership & Outreach at A&M, with a vision to 'to help communities across Texas become more equitable, resilient, and adaptive and to become the primary resource for Texas communities seeking help mitigating threats or capitalizing on opportunities to advance economy, environment, and culture'. She said the City's 'Levee Greenspace & Parks Plan' proposal was accepted by the program as a multi-class project to start in the Fall 2020 semester with a final document by end of Summer 2021 at a total cost of \$16,000.00. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-110, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2020-110**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT  
BETWEEN THE CITY OF WHARTON AND TEXAS TARGET COMMUNITIES, TEXAS**



**A&M UNIVERSITY FOR THE MASTER PLAN AND LANDSCAPE IMPROVEMENT DESIGN FOR THE LEVEE GREEN SPACE AND DOWNTOWN BUSINESS DISTRICT OF CITY OF WHARTON, TEXAS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PROJECT.**

**WHEREAS,** The Wharton City Council wishes to partner with the Texas Target Communities, Texas A&M University to create a Master Plan and Landscape Improvement Design for the Levee Green Space and Downtown Business District of City of Wharton, Texas; and,

**WHEREAS,** The City of Wharton wishes to enter into an agreement with Texas Target Communities, Texas A&M University in the amount of \$16,000.

**WHEREAS,** The City of Wharton and Texas Target Communities, Texas A&M University wish to be bound by the conditions of said agreement; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an agreement with Texas Target Communities, Texas A&M University to create a Master Plan and Landscape Improvement Design for the Levee Green Space and Downtown Business District of City of Wharton, Texas.

**Section II.** The City of Wharton and Texas Target Communities, Texas A&M University 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 12th day of October 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 tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the termination of the current agreement between the City of Wharton and Oakbend Medical Group for testing services and authorizing the Mayor of the City of Wharton to execute all documents relating to said termination. Finance Director Joan Andel presented a copy of an email dated October 1, 2020, from Oakbend Medical Group representatives regarding the termination of the agreement between the City of Wharton and Oakbend Medical Group for testing services due to the cost of keeping employees in Wharton and testing number being low. Mrs. Andel stated the last day of testing was October 5, 2020. Emergency Management Coordinator Steve Johnson stated Oakbend decided to terminate the contract due to lack of public participation and the cost of the project to pay for staffing. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-111, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2020 -111**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TERMINATION OF THE CURRENT AGREEMENT BETWEEN THE CITY OF WHARTON AND OAKBEND MEDICAL GROUP FOR TESTING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID TERMINATION.**

**WHEREAS,** The City of Wharton wishes to authorize the Mayor of the City of Wharton to terminate the agreement between Oakbend Medical Group and the City of Wharton for testing services; and,

**WHEREAS,** The City of Wharton and Oakbend Medical Group wishes to terminate said agreement; and,

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

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

**Section I.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to terminate, on behalf of the City of Wharton, the agreement with Oakbend Medical Group for the testing services effective October 5, 2020.

**Section II.** That the City of Wharton and Oakbend Medical Group Testing Services Agreement is hereby terminated.

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

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of October 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 eleventh item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2021 General Assembly. Finance Director Joan Anandel presented a copy of the letter dated October 1, 2020 to Mayor Tim Barker from Mr. Chuck Wemple of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative, and alternate representative, to the H-GAC 2021 General Assembly. Mrs. Anandel stated Councilmember Clifford Jackson was currently serving as the City's representative for the 2020 General Assembly and Councilmember Russell Machann as the alternate representative. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-112, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2020-112**

**A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2021 GENERAL ASSEMBLY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** that Councilmember Clifford Jackson be, and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2021.

**FURTHER,** that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember Russell Machann.

**THAT,** the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

**Passed, Approved, and Adopted** this 12th day of October 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 twelfth item on the agenda was to review and consider the Wharton Economic Development Corporation Resolution No. 2020-04. Finance Director Joan Anzel presented a copy of the Wharton Economic Development Corporation Resolution No. 2020-04. Mrs. Anzel stated the resolution was read at the September 28, 2020 Wharton City Council meeting but a second reading of the resolution was needed. After some discussion, Councilmember Clifford Jackson moved to approve the Wharton Economic Development Corporation Resolution No. 2020-04, which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION  
RESOLUTION NO. 2020-04**

**A RESOLUTION AUTHORIZING A 20% MATCH, UP TO \$400,000 IN CASH AND IN-KIND SERVICES FOR AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR THE PURPOSE OF DRAINAGE AND DETENTION FOR THE INDUSTRIAL PARK SITE**

Wharton Economic Development Corporation ("Corporation") is a non-profit corporation organized under the provisions of Article 5190.6, Section 4B, Vernon's Texas Civil Statutes as amended, and

**WHEREAS** the Corporation's mission is to improve the economic development of the city, and

**WHEREAS** the Corporation acknowledges the Economic Development Administration Grant for infrastructure will add value to the existing site, and



**WHEREAS** the Corporation acknowledges the Economic Development Administration Grant will be a vital component in the development of a prominent site for the attraction of industry, and

**WHEREAS** the Corporation acknowledges the value of obtaining the Economic Development Administration Grant to expand the tax base and create jobs,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION that;**

The Corporation, authorizes a 20% match, up to \$400,000 in cash and in-kind services, for an Economic Development Administration Grant for the purpose of drainage and detention for the Industrial Park Site.

This resolution was adopted at a Special Meeting of the Board of Directors of the Wharton Economic Development Corporation on September 9, 2020.

**WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS**

By: \_\_\_\_\_  
Marshall Francis  
President

**ATTEST:**

\_\_\_\_\_  
Michael Wootton

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

The thirteenth item on the agenda was to review and consider FEMA City Hall Structural Repairs:

- A. Pay Request No. 1 and final from Restacon Construction.

Finance Director Joan Andel presented a copy of Pay Request No. 1 and final from Restacon Construction for the FEMA City Hall Structural Repairs. Community Development Director Gwyn Teves stated Pay Request No. 1 and final from Restacon Construction was in the amount of \$28,153.46 and it was City Staff recommendation the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve Pay Request No. 1 and final from Restacon Construction for the FEMA City Hall Structural Repairs in the amount of \$28,153.46. Councilmember Don Mueller seconded the motion. All voted in favor.

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

- A. Wharton Regional Airport Board.

- B. Building Standards Commission.
- C. Mayor's Committee on People with Disabilities.
- D. Plumbing and Mechanical Board.
- E. Housing Finance Corporation.

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation Meeting held September 21, 2020.
- B. Public Works Committee Meeting held September 28, 2020.
- C. Wharton Economic Development Corporation Board of Directors Selection Committee Meeting held September 28, 2020.

After some discussion, no action was taken.

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

The meeting adjourned at 7:39 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_

*Tim Barker*  
**TIM BARKER**  
Mayor

**ATTEST:**

*Paula Favors*

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

