

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
JANUARY 10, 2022**

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

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

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Community Development Director, Gwyn Teves; Emergency Management Coordinator, Ben Guanajuato; Police Chief, Terry David Lynch; Sgt. Detective, Jeremy Eder; Assistant to the Community Development Director, Krystal Hasselmeier; Facilities Maintenance Director, Bob Baker and Public Works Director, Anthony Arcidiacono.

Visitors present were: Jeffrey Blair; Carol Bucek; Mary Barnes; Linda Bubela; Abel Velasquez; William Velasquez; W.O. Frazier; Diana Callis; Crystal Gutierrez; Merle Hudgins; Doris Teague; Charlotte Bess; Gary Nunez; Barrett Davis; Philip Henderson, Sr.; Linda Hughes; Lynette Masek; Jacques Hearse; Cynthia Hearse; Patricia Loocke; Russell Baird; Tod Mund; Bertha Sewell; Vanessa Baird; Burnell Neal; Rev. Roy Harris; Betty Diaz, Pat Allen Gaskin; Andreaous Simmons; Mary Shelton; Jamaica Thompson; Tanisha Phynon; Howard Singleton; Teri Mund; David Schroeder; Larry Sitka; Sandy Sanders; Ron Sanders; Doris Teague; Adraylle Watson; Gloria Smith; Jessica Hartman; Laura Clemons; Bubby Frazier; and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Baker called for Public Comments.

1. Mrs. Gloria Smith stated that more Economic Development and Black Owned Businesses were needed on the west side of Wharton.
2. Ms. Charlotte Bess stated that she would like to see more businesses open on the west side of Wharton.
3. Mr. Abel Velasquez stated his opposition to the construction project slated for the Abell Street neighborhood.
4. Mrs. Merle Hudgins stated her thoughts on needing to preserve the school at 500 Abell Street.

Wharton Moment.

Councilmember, Terry Freese, thanked the First Responders for their work during the Nanya Plastics fire. Councilmember, Don Mueller, thanked all the neighboring fire departments that helped assist with the fire.

Public Hearing

1. Public Hearing: Public Hearing on the proposed PACE program and report posted on the City of Wharton's Website and made available at City Hall on December 13, 2021.

Mayor Tim Barker opened the Public Hearing at 7:17 p.m.

Mayor Tim Barker closed the Public Hearing at 7:18 p.m.

No comments were given.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Property Assessed Clean Energy (PACE) Program:

- A. Resolution: A resolution of the Wharton City Council to establish a Property Assessed Clean Energy (PACE) Program and authorizing the Mayor to execute all documents to said program.
- B. Resolution: A resolution of the Wharton City Council approving a Professional Services Agreement to administer a Texas Property Assessed Clean Energy Program between the Texas Property Assessed Clean Energy (PACE) Authority and the City of Wharton and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager, Joseph R. Pace, stated Ms. Charlene Heydinger, of Texas Pace Authority, made a presentation on December 13, 2021, to discuss the Property Assessed Clean Energy (PACE) Program to the City Council. City Manager Pace said the program allowed a governing body of a local government, including a City or County, to designate an area of the territory of the local government as a region within which an authorized representative of a local government and the record owners of commercial, industrial, and large multifamily residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay

the financing by the owners of permanent improvements fixed to the property intended to decrease energy or water consumption or demand. Community Development Director, Gwyn Teves, stated a Resolution of Intent to Establish a City of Wharton Property Assessed Clean Energy Program (Wharton City PACE Program) was adopted on December 13, 2021, and a Public Hearing date and time was set for January 10, 2022, at 7:00 p.m. prior to the City Council meeting. Mrs. Teves said that once the Public Hearing was conducted and any comments were received, the City Council could be presented with a draft resolution to Establish the Wharton City PACE Program and a draft agreement with Texas Pace Authority to administer the program. She said that since the requirements were met it was her recommendation that City Council consider approving the resolutions. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-01 and 2022-02, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-01**

A RESOLUTION OF THE WHARTON CITY COUNCIL TO ESTABLISH A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS TO SAID PROGRAM.

- WHEREAS,** The 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the "PACE Act"), which allows the governing body of a local government, including a City or County, to designate an area of the territory of the local government as a region within which an authorized representative of a local government and the record owners of commercial, industrial, and large multifamily residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of permanent improvements fixed to the property intended to decrease energy or water consumption or demand;
- WHEREAS,** The installation or modification by property owners of qualified energy or water saving improvements to commercial, industrial, and large multifamily residential real property in the City of Wharton including its extraterritorial jurisdiction will further the goals of energy and water conservation without cost to the public;
- WHEREAS,** The City Council finds that third-party financing of energy and water conserving projects through contractual assessments maintained by the City ("PACE financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions;
- WHEREAS,** The City Council adopted a Resolution of Intent to establish a PACE program for the City on December 13, 2021, including a reference to the report on the proposed program prepared as required by Section 399.009 of the PACE Act and made the report available to the public on the City's website and for inspection in the City Manager's office;

WHEREAS, The City Council finds that the administration of the PACE program by a qualified non-profit organization as an independent third-party Authorized Representative contracted by City and compensated by application and administration fees paid by the participating property owners, will enable the program to be administered without use of City resources, will assure the objectives of impartiality and confidentiality of owner information, and will be convenient and advantageous to the City; and

WHEREAS, The City Council also finds that because no City funds will be expended for PACE financing of the Authorized Representative's services, the selection of such an independent third-party Authorized Representative is not subject to the Professional Services Procurement Act or other City purchasing requirements; and

WHEREAS, The City Council held a public hearing on January 10, 2022 at 7:00 pm in City Hall, 120 E. Caney Street, Wharton, Texas, at which the public hearing could comment on the proposed program, including the report available for public inspection as mentioned above and as required by Section 399.008(a)(2):

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

SECTION I. The recitals to this Resolution are true and correct and are incorporated into this resolution for all purposes.

SECTION II. The City hereby adopts this Resolution Establishing the City of Wharton Property Assessed Clean Energy Program ("Wharton City PACE"), herein called "the Program," and finds that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose and is convenient and advantageous to City and its citizens.

SECTION III. The City will, at the property owner's request, impose contractual assessments on the property to repay PACE financing for qualified energy and water conserving projects available to owners of privately owned commercial, industrial, and large multifamily property.

SECTION IV. The following types of projects are qualified projects for PACE financing that may be subject to such contractual assessments:

Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial, industrial, or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

An assessment may not be imposed to repay the financing of facilities for undeveloped lots or lots undergoing development at the time of the assessment or the purchase or installation of products or devices not permanently fixed to real property.

SECTION V. The boundaries of the entire geographic area within The City's jurisdiction including its extraterritorial jurisdiction are included in the boundaries of the region where PACE financing and assessments can occur.

SECTION VI. Financing for qualified projects under the Program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with the Authorized Representative to service the debt through assessments, as required by the PACE Act. The contracts will provide for the lenders to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the lenders and the owners for the installation or modification of qualified projects, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to financing documents executed between the lenders and the owners. The City will maintain and continue the assessments for the benefit of such lenders and will enforce the assessment lien for the benefit of a lender in the event of a default by an owner. The City will not, at this time, provide financing of any sort for the Wharton City PACE program.

SECTION VI. The City Council will designate Texas PACE Authority, a non-profit organization, to act as the Authorized Representative with authority to enter into written contracts with the record owners of real property in the City to impose assessments pursuant to the PACE Act to repay the financing of qualified projects on the owners' property, to enter into written contracts with the parties that provide third-party financing for such projects to service the debts through assessments, and to file written notice of each contractual assessment in the real property records of Wharton County, all on behalf of the City of Wharton. The Authorized Representative may make technical and conforming updates as necessary so long as the changes are consistent with the resolution to establish the PACE program and the statute. The City Manager or his designee will be the liaison with the Authorized Representative.

SECTION VII. The City will enforce the collection of past due assessments and may contract with a qualified law firm to assist in collection efforts.

SECTION VIII. The final report on the Wharton City PACE program, prepared in accordance with Section 399.009 of the Texas Local Government Code is attached and incorporated into this resolution. The City will post the resolution and report on the City's website.

SECTION IX. The City Council may amend the City PACE Program by resolution. However, another public hearing is required before the Program may be amended to provide for City financing of qualified improvements through assessments.

SECTION X. This resolution should become effective immediately upon its passage.

Passed, approved, and adopted this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By:

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-02**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL SERVICES AGREEMENT TO ADMINISTER A TEXAS PROPERTY ASSESSED CLEAN ENERGY PROGRAM BETWEEN THE TEXAS PROPERTY ASSESSED CLEAN ENERGY (PACE) AUTHORITY AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton City Council has hereby established the Wharton City Property Assessed Clean Energy (PACE) Program and wish to enter into an agreement with the Texas Property Assessed Clean Energy (PACE) Authority for administrative services; and,

WHEREAS, The Texas Property Assessed Clean Energy (PACE) Authority and the City of Wharton wish to be bound by the conditions as set forth in the agreement; and,

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

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

- Section I.** That Wharton City Council hereby approves an agreement with the Texas Property Assessed Clean Energy (PACE) Authority for administrative services.
- Section II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of January 2022.

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 reading of the minutes from the regular meeting held December 13, 2021. City Manager, Joseph R. Pace, presented a copy of the draft minutes from the regular meeting held December 13, 2021. After some discussion, Councilmember, Clifford Jackson, moved to approve of the minutes from the regular meeting held December 13, 2021. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Hope Village, Inc., for permission to have vendors in a city park for an event being held on January 22, 2022. City Manager, Joseph R. Pace, presented a copy of the request from Hope Village, Inc., for permission to have vendors at a City Park for an event being held on January 22, 2022 at Riverfront Park. After some discussion, Councilmember, Terry Freese, moved to approve the request from Hope Village, Inc., for permission to have vendors in a city park for an event being held on January 22, 2022. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. Russell Baird to address the City Council regarding Emerson Heights. City Manager, Joseph R. Pace, presented a copy of the request from Mr. Russell Baird to address the City Council regarding Emerson Heights a GLO-funded project. Mr. Baird, Mr. Barrett Davis and Mr. David Bucek addressed the City Council. After some discussion, no action was taken.

The fifth item on the agenda was to review and consider a request from Mr. David Bowlin to address the City Council on the following:

- A. The Brooks at Caney Creek Project.
- B. 500 Abell Street.

City Manager, Joseph R. Pace, presented a copy of the request from Mr. David Bowlin to address the City Council regarding the Brooks at Caney Creek Project and 500 Abell Street. Mr. Bowlin and Ms. Laura Clemons addressed the City Council regarding the projects. After some discussion, no action was taken.

The sixth item on the agenda was to review and consider a request from Mr. Jeffrey Blair, of the Wharton County Heritage Partnership, to address the City Council regarding the project at 500 Abell Street. City Manager, Joseph R. Pace, presented a copy of the request from Mr. Jeffrey Blair, of the Wharton County Heritage Partnership, to address the City Council regarding the project at 500 Abell Street. Mr. Blair addressed the City Council regarding the project at 500 Abell Street. After some discussion, no action was taken.

The seventh item on the agenda was to review and consider a request from Mr. and Mrs. Gilbert Vargas to address the City Council regarding the water tax increase. City Manager, Joseph R. Pace, presented a copy of the request from Mr. and Mrs. Gilbert Vargas to address the City Council regarding the water tax increase. City Manager Pace stated Mr. and Mrs. Vargas were unable to attend the meeting. After some discussion, no action was taken.

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council accepting the award of the Office of the Governor's Grant for Operation Lone Star for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said grant. City Manager, Joseph R. Pace, stated that in October 2021, the Wharton Police Department applied for the Office of the Governor's Grant for Operation Lone Star which is to enhance interagency border security operation supporting Operation Lone Star including the facilitation of directed actions to deter interdict criminal activity and detain non-citizen inmates. Sgt. Detective, Jeremy Eder, stated the grant covered the period from September 1, 2021 to August 31, 2023. Sgt. Detective Eder said that in late December 2021, the Department was notified that they had been awarded the grant in the amount of \$180,176.26, which would fund salary and equipment for the position. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-03, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-03**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE AWARD OF THE OFFICE OF THE GOVERNOR'S GRANT FOR OPERATION LONE STAR FOR THE WHARTON POLICE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT.

WHEREAS, The City of Wharton City Council wishes to accept the award of the Office of the Governor's Grant for Operation Lone Star for the Wharton Police Department; and,

WHEREAS, The purpose of the program is to enhance interagency border security operation supporting Operation Lone Star including the facilitation of directed actions to deter interdict criminal activity and detain non-citizen inmates; and,

WHEREAS, The grant would be for the time period of September 1, 2021 to August 31, 2023; and,

WHEREAS, The Office of the Governor's Grant has confirmed that the amount of the grant would be in the amount of \$180,176.26; and,

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

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

SECTION I. The Wharton City Council hereby approves to accept the award of the Office of the Governor's Grant for Operation Lone Star for the Wharton Police Department.

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

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

PASSED, APPROVED, and ADOPTED this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a request from the City of Wharton Beautification Commission for authorization to implement and fundraise for a Dog Park. City Manager, Joseph R. Pace, stated the City of Wharton's Beautification Commission was requesting

the City Councils authorization to establish a City of Wharton Dog Park in an existing City Park and also allow the Commission to conduct fundraising efforts for the Dog Park. City Manager Pace said that if approved, the Beautification Commission would take steps to get estimates for the establishment of the dog park and would work closely with the Parks and Recreation Department in the implementation and maintenance plan of the park. Mr. Adraylle Watson with the Beautification Commission stated the Commission was proposing portions of either Mayfair Park or Mockingbird Park for the Dog Park, though welcomed any guidance on locations by the Council. City Manager Pace said the Parks and Recreation Committee met on January 10, 2022 and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve the request from the City of Wharton Beautification Commission for authorization to implement and fundraise for a Dog Park. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Article 1 Incorporation; Form of Government; Corporate and General Powers. City Manager, Joseph R. Pace, presented a copy of the revised ordinance of Article 1 Incorporation; Form of Government; Corporate and General Powers Section 9 of the City of Wharton Code of Ordinances regarding extending and fixing city limits by ordinances as restricted by law. Finance Director, Joan Andel, stated with the passing of Senate Bill 6, it was necessary to implement this change for those owner or owners of land wishing to connect to city services. Mrs. Andel stated the ordinance change had been reviewed and approved by City Attorney, Paul Webb. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2022-01, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-01**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, ARTICLE 1 INCORPORATION; FORM OF GOVERNMENT; CORPORATE AND GENERAL POWERS.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Section 9 Extending and fixing city limits by ordinance as restricted by law be amended to read as follows:

Sec. 9- Extending and fixing city limits by ordinance as restricted by law.

- (a) Any territory adjacent to the present or future boundaries of the city may, from time to time, in any size or shape approved by the city council, be admitted and become a part of the city on application made or written consent given to the city council by the owner or owners of all land constituting said territory, or by majority of the qualified voters resident on the land sought to be added to the city.
- (b) Any owner or owners of land constituting a territory adjacent to present or future boundaries of the city, who wish to connect to city services (i.e., water, wastewater, etc.) is required to submit an application to the city council requesting voluntary annexation.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 10th day January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The eleventh item on the agenda was to review and consider an ordinance approving an amendment to the City of Wharton, Texas, Budget for the 2020-2021 Fiscal Year. City Manager, Joseph R. Pace, presented a copy of a memorandum from Finance Director, Joan Andel, regarding the amendment to the City of Wharton, Texas, Budget for the 2020-2021 Fiscal Year. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-02, which read as follows:

CITY OF WHARTON, TEXAS ORDINANCE NO. 2022-02

AN ORDINANCE APPROVING AN AMENDMENT TO

**THE CITY OF WHARTON, TEXAS, BUDGET FOR
THE 2020-2021 FISCAL YEAR.**

WHEREAS, The City Council of the City of Wharton, Texas finds and determines it necessary to revise the 2020-2021 budget to better reflect actual revenues and expenditures in operations and activities during the fiscal year; and,

WHEREAS, The City Council finds and determines that these adjustments to the budget are for municipal purposes.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wharton, Texas that the 2019-2020 Budget be amended as per Attachment "A;" and is adopted by the following favorable majority of votes of the members of the City Council of the City of Wharton, Texas in a duly assembled city council meeting by the following majority:

Clifford Jackson Councilmember District No. 1	Voted	Yes	Steven Schneider Councilmember District No. 2	Voted	Yes
Terry Freese Councilmember District No. 3	Voted	Yes	Donald Mueller Councilmember District No.4	Voted	Yes
Russell Machann Councilmember at Large No. 5	Voted	Yes	Alice Heard- Roberts Councilmember at Large No. 6	Voted	Yes
Tim Barker Mayor	Voted	Yes			

Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a distinct and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

ADMISSION:

PAUL WEBB
City Attorney

JOAN ANDEL
Director of Finance

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

The twelfth item on the agenda was to review and consider the Confirmation of Appointment of Emergency Management Coordinator. City Manager, Joseph R. Pace, stated that per the City of Wharton Code of Ordinances - Chapter 26 – Emergency Management, the appointments of the Emergency Management Coordinator and Deputy Emergency Management Coordinator must be confirmed by the City Council. City Manager Pace said Emergency Management Coordinator, Steve Johnson, retired on November 30, 2021 and Lt. Ben Guanajuato had been placed into the position as of December 20, 2021. He said the City Staff was asking the City Council to consider the confirmation of the appointment of Lt. Guanajuato as the Emergency Management Coordinator. After some discussion, Councilmember, Terry Freese, moved to approve the Confirmation of Appointment of Emergency Management Coordinator Ben Guanajuato. 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 an extension of the Declaration of Disaster signed on March 16, 2020 in accordance with Texas Government Code §418.108(a). City Manager, Joseph R. Pace, 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 Pace said that this allowed the Mayor to perform extraordinary actions, if necessary, to protect the public and pursuant to Texas Government Code 418.108 (b) this declaration would need to be continued or renewed by the City Council within 7 days of issuance. Emergency Management Coordinator, Ben Guanajuato, stated this was passed on March 23, 2020 and was continued until May 31, 2020, July 31, 2020, September 30, 2020, January 15, 2021, March 31, 2021 September 1, 2021 and January 15, 2022. Emergency Management Coordinator Guanajuato said that during this time the disaster continued and many of our citizens, businesses and government continued to be affected. He said that in order to continue with the response to this pandemic it was the City Staff's recommendation that the

declaration be extended to July 31, 2022 unless rescinded earlier. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve City of Wharton Resolution No. 2022-04, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-04**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN EXTENSION OF THE DECLARATION OF DISASTER SIGNED ON MARCH 16, 2020 IN ACCORDANCE WITH TEXAS GOVERNMENT CODE §418.108(a).

WHEREAS, Beginning in December 2019, a novel coronavirus, now designated “SARS-CoV-2” which causes the disease COVID-19, has spread through the world and has now been declared a global pandemic by the World Health Organization; and,

WHEREAS, On March 16, 2020 Mayor Tim Barker signed an Emergency Declaration for Public Health Emergency in response to the Covid-19 outbreak which was declared a global Pandemic by the World Health Organization; and,

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

WHEREAS, This was passed on March 23, 2020 and was continued until May 31, 2020, July 31, 2020, September 30, 2020, January 15, 2021, March 31, 2021, September 1, 2021 and January 15, 2022; and,

WHEREAS, To continue with the response to this pandemic the declaration will be extended until July 31, 2022 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 January 15, 2022 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 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider the City of Wharton Personnel Policy Updates:

Resolution: A resolution by the City Council of the City of Wharton, Texas implementing the requirements of HB 2073 and Chapter 180, Local Government Code establishing a paid quarantine leave policy for City of Wharton's peace officers, emergency medical technicians and/or paid firefighters; providing a severability clause and establishing an effective date.

Resolution: A resolution by the City Council of the City of Wharton, Texas amending the City's personnel policy – leave time - to implement the requirements of SB 1359 and amendments section 614.015, Local Government Code, establishing a Mental Health Leave Policy for City of Wharton police officers; providing a severability clause and establishing an effective date.

City Manager, Joseph R. Pace, presented a copy of two draft policies that were required through SB 1359—Mental Health Leave and HB 2073—Paid Quarantine Leave. City Secretary, Paula Favors stated the Finance Committee had reviewed the two policies and were recommending the City Council consider approving them. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-05 and 2022-06, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-05**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS IMPLEMENTING THE REQUIREMENTS OF HB 2073 AND CHAPTER 180, LOCAL GOVERNMENT CODE ESTABLISHING A PAID QUARANTINE LEAVE POLICY FOR CITY OF WHARTON'S PEACE OFFICERS, EMERGENCY MEDICAL TECHNICIANS AND/OR PAID FIREFIGHTERS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton, Texas is a Home Rule Municipality located in Wharton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the State of Texas and its Home Rule Authority; and,

WHEREAS, the Texas Legislature enacted House Bill 2073 on June 15, 2021, and it became effective immediately, adding Section 180.008 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

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

Section I. The foregoing recitals are adopted and incorporated herein for all purposes.

Section II. The attached Exhibit A, titled "Paid Quarantine Leave," is hereby adopted in compliance with the requirements of HB 2073 and Chapter 180, Texas Local Government Code.

Section III. As provided by HB 2073, this policy is effective immediately as of January 10, 2022.

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

Passed, Approved, and Adopted this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-06**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS AMENDING THE CITY'S PERSONNEL POLICY – LEAVE TIME - TO IMPLEMENT THE REQUIREMENTS OF SB 1359 AND AMENDMENTS SECTION 614.015, LOCAL GOVERNMENT CODE, ESTABLISHING A MENTAL HEALTH LEAVE POLICY FOR CITY OF WHARTON POLICE OFFICERS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton, Texas is a Home Rule Municipality located in Wharton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the State of Texas and its Home Rule Authority; and,

WHEREAS, the Texas Legislature enacted Senate Bill 1359 on June 7, 2021, and will become effective September 1, 2021, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for certain public safety personnel employed by the political subdivision who experience a traumatic event in the scope of that employment.

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

- Section I.** The foregoing recitals are adopted and incorporated herein for all purposes.
- Section II.** The attached Exhibit A, titled "Mental Health Leave for Peace Officers," is hereby adopted in compliance with the requirements of SB 1359 and Sec. 615.059, Texas Local Government Code.
- Section III.** As provided by SB 1359, this policy is effective immediately as of January 10, 2022.
- Section IV.** That this resolution should become effective immediately upon its passage.

Passed, Approved, and Adopted this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving the Hazard Mitigation Plan prepared by Scheibe Consulting in coordination with Wharton County, the City of El Campo and the City of East Bernard. City Manager, Joseph R. Pace, stated that on December 27, 2021, the Wharton County Hazard Mitigation Plan (HMP) was approved pending adoption and the preceding Hazard Mitigation Plan was effective for a five-year period (which expired in November 2021) and steps to update the plan in 2021 were taken. Community Development Director, Gwyn Teves, stated that in an effort to reduce costs, the City of Wharton partnered with Wharton County, the City of El Campo and the City of East Bernard to complete the updated plan and after a final draft of the updated plan was prepared, the draft plan was submitted to the Texas Department of Emergency Management (TDEM) and the Federal Emergency Management Administration (FEMA), for approval. Mrs. Teves said that the plan update had been approved pending adoption by the participating entities, the City would continue to be eligible for FEMA grant disaster funding and a resolution was required by FEMA which approved the plan from the participating jurisdictions. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-07, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-07**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE HAZARD MITIGATION PLAN PREPARED BY SCHEIBE CONSULTING IN COORDINATION WITH WHARTON COUNTY, THE CITY OF EL CAMPO AND THE CITY OF EAST BERNARD.

WHEREAS, Section 322 of the Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165) requires local governments to develop a hazard mitigation plan as a condition of receiving certain types of non-emergency disaster assistance, including funding for mitigation projects; and,

WHEREAS, The Code of Federal Regulations (CFR) at Title 44, Chapter 1, part 201, requires the City to prepare and adopt a local mitigation plan every five years; and,

WHEREAS, A steering committee comprised of members of the County, the City of El Campo, the City of East Bernard and the City of Wharton, selected and deemed appropriate by the highest elected official in his authority to do so as granted by the people, as well as the City's leadership was convened in order to assess the risks of hazards facing the County and the Cities, and to make recommendations on actions to be taken to mitigate these hazards; and,

WHEREAS, A request for proposals was issued through Wharton County to hire an experienced consulting firm to work with the County and Cities to update a comprehensive hazard mitigation plan for the County, the City of El Campo, the City of East Bernard and the City of Wharton; and,

WHEREAS, The plan incorporates the comments, ideas and concerns of the community and of the public in general, which this plan is designed to protect, ascertained through a series of public meetings, publication of the draft plan, press releases, and other outreach activities.

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

SECTION I. The Wharton City Council hereby approves the Wharton County Hazard Mitigation Plan.

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

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

PASSED, APPROVED, and ADOPTED this 10th day of January 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixteenth item on the agenda was to review and consider a Pay Request No. 2 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 2 from E-Contractors for the

Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$103,914.30. After some discussion, Councilmember, Don Mueller, moved to approve pay Request No. 2 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. Assistant to the City Manager, Brandi Jimenez, presented the list of persons serving on the various City Boards, Commissions and Committees. Mrs. Jimenez stated there were still vacancies that also need to be filled. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve the following:

Resignation: Ms. Marissa MacIntyre from the Beautification Commission.

Appointment: Ms. Rachel Roberson to the Beautification Commission term ending June 30, 2022.

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

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

- A. Wharton Economic Development Corporation meetings held November 15, 2021, November 30, 2021 and December 9, 2021.
- B. Beautification Commission meeting held December 8, 2021.

After some discussion, no action was taken.

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 9:08 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary



