

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
AUGUST 24, 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: City Manager Andres Garza, Jr, 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, EMS Director John Kowalik, Public Works Director John Plaia, Patrol Sgt. Justin Moran.

Visitors present were: Ray Roberson, Tara Pietsch, Steven Roberts, Burnell Neal, Frances Cerrillo, Gloria Smith, Demetria Johnson, Albert Villegas with the Wharton Journal Spectator and Jessica Hartman with The County Gin.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Barker called for Public Comments. The following comments were made:

1. Frances Cerillo stated her concern after reading the Wharton Journal Spectator's article on a possible increase in the Waste Corporation of America (WCA)'s rate for garbage collection. Ms. Cerillo stated that senior citizens do not get increases in their income every year and after Hurricane Harvey and the COVID-19 pandemic, the City Council should consider the makeup of the population in the City of Wharton before increasing rates.
2. Gloria Smith stated her concerns with the possible increase in the Waste Corporation of America (WCA)'s rate for garbage collection and requested the City Council consider the current job they are doing in the City. Mrs. Smith said that she paid \$50 for variance to build a carport on her property and many citizens do not have the additional money to pay for the fees required by the City.
3. Steven Roberts stated people were hurting from the COVID-19 and City parks were one of the only places that they could get out with their family and enjoy. Mr. Roberts stated

that the park bathrooms needed to stay unlocked so residents could use them while enjoying the parks.

4. Ray Roberson stated that he was thankful and appreciate to the City staff for their hard work. Mr. Roberson said there were many times he saw public work's staff at two in the morning working on the lift station behind his home. Mr. Robertson also thanked City Manager Andres Garza, Jr. for his years of service to the community.
5. Demitra Johnson stated that she was a citizen of Wharton and loved the City. Ms. Johnson said that due to the COVID-19 pandemic many people had lost their jobs or where on fixed incomes and she was against an increase in utility or solid waste fees. She said the garbage sometimes isn't collected on the days it is supposed to be, roads in the City needed repair and the mosquito truck needed to service the City.

Wharton Moment.

Mayor Tim Barker called for Wharton Moments. City Manager Andres Garza, Jr. requested a prayer for the family of Anthony Milder, a long time and dedicated employee of the City of Wharton that passed away on August 18th, 2020. City Manager Garza stated Mr. Milder would be missed by all.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for July 2020. Mrs. Andel stated that the TexPool balance for July was \$268,487.30 with an average monthly yield of .21%. She said the Prosperity Bank balance for July 2020 was \$8,368,137.60 with an average monthly yield of 1.510%. After some discussion, Councilmember Russell Machann moved to approve the City of Wharton Financial Report for the month of July 2020. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider City Manager's submission of the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2020-September 30, 2021. City Manager Andres Garza, Jr. stated that on or about Tuesday, August 25, 2020, he would file with City Secretary Paula Favors the City of Wharton Fiscal Year October 1, 2020 to September 30, 2021 Proposed Budget as required by State Law. City Manager Garza presented under separate cover, on Monday, August 24, 2020 a copy of the Proposed City Budget as required by Article VI-Section 51 of the City's Charter to the City Council. After some discussion, no action was taken.

The third item on the agenda was to review and consider setting a public hearing date for the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2020-September 30, 2021. City Manager Andres Garza, Jr. stated that under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a public hearing. City Manager Garza said that if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, September 2, 2020 in the Wharton Journal Spectator. City Manager Garza said that it was his recommendation that the public hearing be set for the September 14, 2020 Regular City Council meeting, which would comply with Section 53 of the City Charter and State law. After some discussion, Councilmember Steve Schneider moved to set a public hearing date

for the City of Wharton, Texas, Proposed Budget for the fiscal year October 1, 2020-September 30, 2021 for Monday, September 14, 2020 during the Regular City Council meeting. Councilmember Russell Machann 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 adopting a Proposed Property Tax Rate for the City of Wharton October 1, 2020-September 30, 2021 Fiscal Year Budget as required by state law. City Manager Andres Garza, Jr. presented a copy of the 2020 Tax Rate Calculation Worksheet which was prepared listing the applicable tax rates to be used in consideration of setting the tax rate. City Manager Garza stated the State required the City Council to adopt a proposed rate and the City of Wharton's proposed budget was based on the Voter Approval Tax Rate of \$0.43726. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-80, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-80**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROPOSED PROPERTY TAX RATE FOR THE CITY OF WHARTON OCTOBER 1, 2020-SEPTEMBER 30, 2021 FISCAL YEAR BUDGET AS REQUIRED BY STATE LAW.

WHEREAS, The State of Texas Property Tax Code requires the City Council to approve a tax rate prior to setting a final tax rate; and,

WHEREAS, The Wharton City Council wishes to adopt a proposed tax rate prior to setting a final rate; and,

WHEREAS, The City Manager of the City of Wharton has submitted to the City Council a proposed budget for the October 1, 2020-September 30, 2021 Fiscal Year.

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 wishes to adopt the proposed tax rate as follows:

1. Voter Approval Tax Rate- \$0.43726.

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

Passed, Approved, and Adopted this 24th day of August 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 fifth item on the agenda was to review and consider the Waste Corporation of America, L.P. (WCA) Rate Modification to the Solid Waste Collection and Disposal Service Franchise Agreement:

- A. Resolution: A resolution of the Wharton City Council approving Amendment No. 2 to the Franchise Agreement for Solid Waste Collection Services with Waste Corporation of America dated October 1, 2018 and authorizing the Mayor of the City of Wharton to execute said agreement.

City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 17, 2020 from Finance Director Joan Andel providing a copy of the letter dated June 17, 2020 from Mr. Trevor Royal of Waste Corporation of America (WCA) regarding their rate modification regarding to the Solid Waste Collection and Disposal Service Franchise between the City of Wharton and WCA. City Manager Garza stated that WCA may request rate modifications in accordance with Section 14.00, Basis and Methods of Payment, Item 14.02 Modification of Rates of the General Specifications of the Franchise Agreement, as it was presented. City Manager Garza said that Mr. Royal stated, the rate increase was 2.8% in accordance with the price index mentioned in the City's franchise agreement with WCA but was withdrawing their request for an increase.

- B. Ordinance: An ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities and Services, Article III, Solid Waste Disposal Exhibit A, providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine and setting an effective date.

Finance Director Joan Andel stated that due to illegal dumping in the City of Wharton an increase was necessary to cover the cost as well as cover all solid waste services. Ms. Andel presented the proposed rates less the increase that had been withdrawn by WCA. She said the increase was 3%, and not the 6% previously discussed. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Ordinance No. 2020-12, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020-12**

AN ORDINANCE REPEALING AND REPLACING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86 UTILITIES & SERVICE, ARTICLE III, SOLID WASTE DISPOSAL EXHIBIT A; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that Chapter 86 Utilities & Service, Article III Solid Waste Disposal Exhibit A shall be replaced as follows:

SCHEDULE "A"
Base Rates

Monthly Residential Waste Collection

\$ 24.43 per Residential Unit which includes a \$3.00 per month fee.

Monthly Commercial Hand Collection

\$ 31.45 per Commercial Unit which includes a \$3.50 per month fee.

Container Service (per month) includes a \$3.50 fee

2 yd 1xwk	\$67.81
2xwk	\$121.85
3xwk	\$156.63
4xwk	\$216.53
5xwk	\$269.80
Additional Pick-up	\$74.03
3yd 1xwk	\$99.98
2xwk	\$179.74
3xwk	\$240.39
4xwk	\$323.06
5xwk	\$402.94
Additional Pick-up	\$107.28
4yd 1xwk	\$125.09
2xwk	\$218.70
3xwk	\$310.14
4xwk	\$429.57
5xwk	\$536.08
Additional Pick-up	\$134.87
6yd 1xwk	\$178.04
2xwk	\$341.59
3xwk	\$477.25

4xwk	\$642.63
5xwk	\$802.40
Additional Pick-up	\$190.51
8yd 1xwk	\$220.84
2xwk	\$412.34
3xwk	\$616.79
4xwk	\$855.64
5xwk	\$1,068.67
Additional Pick-up	\$233.80

Rates for Roll-offs:

Delivery Fee	\$125.58
Monthly Rental	\$150.69
Pull Price (per pull)	\$160.44
Disposal Fee-Loose (per yard)	\$8.79
Disposal Fee-Compact (per yard)	\$10.93

Rates for Other Services:

Hourly Rate	\$122.97
Disposal per cubic yard	\$8.59

PENALTY

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

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.

EFFECTIVE DATE

This Ordinance shall become effective at 12:01 a.m. on the 1st day of October 2020.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 24th day August 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Councilmember Terry Freese seconded the motion. Councilmember Terry Freese, Councilmember Russell Machann, Councilmember Clifford Jackson, Councilmember Steve Schneider and Councilmember Don Mueller voted for the motion. Councilmember Alice Heard-Roberts voted against the motion. The motion passed.

The sixth item on the agenda to review and consider was an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17, 86-18 and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. City Manager Andres Garza, Jr. presented a copy of the memorandum dated August 19, 2020 from Finance Director Joan Anandel to him regarding the proposed increase in utility rates for customers to be effective October 1, 2020. City Manager Garza stated that as discussed in the City Council Budget Workshop on August 11, 2020, the proposed budget included a 10% increase in water and sewer rates. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2020-11, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020-11**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-15, 86-16, 86-17 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL

ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-15, 86-16, 86-17 and 86-21 be amended by the following:

Section I. Amendment

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

Sec. 86-15. - Water and sewer tap charges, deposits, administrative penalties and other charges.

Water and sewer tap charges, deposits, administrative penalties and other charges shall be as follows:

(1) *Water*. Standard water tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	¾-inch T-off	\$285.29
b.	¾-inch	\$570.54
c.	1-inch	\$749.86+ cost of meter
d.	1½-inch	\$1,124.79+ cost of meter
e.	2-inch	\$1,499.59+ cost of meter

Customers must pay for the cost of the meter for taps one inch and larger. Tap fees for taps larger than two inches shall be determined and based on the cost to install plus cost of water meter.

In addition to the standard water tap fee, customers must also pay the city for any and all additional costs associated with installing a water tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a water tap. All main line extensions will require the extension to be extended the width of the property to the next adjacent property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.
2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.
3. Customers will be required to pay the city in advance for any additional costs associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

(2) *Sewer.* Standard sewer tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
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a.	4-inch	\$570.54
b.	6-inch	\$937.19

In addition to the standard sewer tap fee, customers must also pay the city for any and all additional costs associated with installing a sewer tap:

1. Customers are responsible for the actual cost for main line extensions, boring under a street or pre-existing utility line, or any other additional costs necessary to install a sewer tap. All main line extensions will require the extension to be extended to the width of the property to the next adjacent property line unless a variance is issued. All main line extensions will require a written agreement between the city and the customer.
2. Residential customers inside the city limits that qualify for a homestead exemption prior to applying for a building permit will receive up to 200 feet of line extension at no charge for the cost of materials and installation. Residential homestead customers in the city limits will be charged for any borings associated with the installation of the first 200 feet of line extension and will be charged for any main line extensions in excess of 200 feet. Residential customers outside the city limits will be charged for the first 200 feet as well as for any boring associated with the first 200 feet and for any main line extensions in excess of 200 feet.
3. Customers will be required to pay the city in advance for any additional cost associated with connecting to the city's main line based on the city's engineer's estimate for projected engineer and construction costs. Once the project is complete, the customer will either be billed or refunded the difference between the estimate and the actual cost.

Residential and commercial customers are required to put a sewer clean out at the property line where the city's line ties into the customer's line.

(3) *Deposits.* As a condition of receiving water, sewer and garbage service, the following deposits shall be charged:

a. Deposit amount:

Residential customer	\$100.00
Residential—Senior citizens	\$50.00 (60 years or over)
Commercial customer's	Based on estimated bill \$100.00 minimum

The deposit for all commercial customers including businesses, industrial users, multi-residential units and all others will be based on the estimated water, sewer and garbage charges for one month. If the customer has consumption history, the estimate will be based on a 12-month average. If the customer is a new customer with no consumption history, the estimate will be based on usage of a similar customer and consider the type of garbage service requested. Current deposit amounts will remain for commercial customers until there is a change in ownership or account status.

b. Deposits will not be required for public schools, counties, and other governmental entities.

c. Customers may transfer their deposits from one account to another account if they move from one address to another. The account must have a zero balance or the current balance will be transferred with the deposit and the new service enacted.

d. Customers transferring from one address to another must have paid the maximum deposit or must pay the difference between the deposit paid and the maximum deposit before the deposit can be transferred and the new service enacted.

e. Residential customers' deposits will be refunded by crediting the deposit amount to the customer's account after the customer has completed 24 months with no delinquent payments or no dishonored payments. If the customer has additional active accounts without deposits that have delinquent payments, the deposit will be transferred to one of the other accounts. A new deposit will be required if a customer appears on the cut-off list after the original deposit has been returned.

f. Customers must terminate utility services by providing written authorization signed or emailed by the customer whose name is on the account. In the event that

the account is established under more than one name, any one person may authorize the disconnection of service.

g. Customers' deposits will be refunded by crediting the deposit amount to the customer's account when the account is finalized. Any remaining deposit will be mailed to the forwarding address provided by the customer. If the customer has additional active accounts without deposits, the deposit will be transferred to one of the other accounts.

h. Letters of credit are not acceptable in lieu of cash for payment of deposits as required in this section.

i. In the event a current utility service customer requests service at an additional address, the deposit may be waived if the customer has had no more than two delinquent payments on the existing account for the previous 12 months prior to the date of the request. In the event that either the initial account or any additional accounts appear on the cut-off list, an additional deposit will be required for each account.

(4) *Administrative penalty.* If payment is not received on a delinquent account and is placed on the cut-off list and water is due to be or is disconnected, an administrative penalty will be assessed as follows:

Administrative penalty \$25.00.

(5) *Other charges* include the following:

a. *Late charges.* If payment is not received by the 15th of each month, a penalty will be assessed on the 16th of each month at the rate noted below:

Late charges 5% of balance due.

b. *After hours charge.* An afterhours charge will be assessed for a reconnection due to nonpayment requested by the customer that is not between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday. Services requested on holidays will also be charged an after-hour charge.

After hours charge \$30.00.

c. *Charges of damages.* Charges shall also be made for damages to equipment, such as meters, cutoff valves and locks. These charges shall be based on the actual cost of replacement, including labor, where applicable.

d. *Industrial users.* Industrial users may be subject to additional charges and fees, relating to permitting and noncompliance issues, as outlined in article II, Industrial Waste Disposal and Pretreatment, sections 86-41 through 86-78.

e. *Restaurants, food preparation facilities and other commercial users.* Restaurants, food preparation facilities, institutional facilities and other commercial type facilities utilizing grease traps will be subject to a \$100.00 fee for each exceedance of the local oil and grease limit of 100 mg/l. This fee is not a surcharge. The payment of this fee does not authorize the discharge of wastes containing oil and grease in concentrations greater than 100 mg/l. This limit applies only to food grade oils of animal or vegetable origin. The concentration of petroleum-based oil and grease is limited to 15mg/l. The oil and grease exceedance fee will be assessed for each sample result, which indicates an excess oil and grease concentration in sewer discharges from the facility. The city will be responsible for collecting and analyzing all oil and grease samples from grease traps. Oil and grease trap sampling will be conducted on a periodic basis at the city's discretion.

f. *Septic tank waste* hauled or trucked into wastewater treatment plant as outlined in article II, section86-54 will be billed at the following rate:

Fees for hauling waste, per 1,000 gallons \$57.75.

Sec. 86-16. - Water service charges.

(a) The monthly charges for water service rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)	\$25.91
Next 2,000 gallons, per 1,000	\$4.92
Next 3,000 gallons, per 1,000	\$5.09
Next 4,000 gallons, per 1,000	\$5.29
Next 4,000 gallons, per 1,000	\$5.63
Next 35,000 gallons, per 1,000	\$5.96
Next 50,000 gallons, per 1,000	\$6.18
Next 50,000 gallons, per 1,000	\$6.64

Next 50,000 gallons, per 1,000 \$7.05

- (b) Customers requesting temporary water services (seven-day increments) can apply for a temporary water rate based on the following:

Volume Charges:

First 8,000 gallons for seven days	\$59.87
Over 8,000 gallons, per 1,000	\$5.47

The temporary water rate is intended as a temporary service for water only and will not be extended for more than 14 consecutive days without a deposit or connection fee being made in accordance with section 86-2, subsections (4) and (5). The base rate must be paid at the time the service is requested. Additional gallons will be billed after the temporary service is disconnected.

Sec. 86-17. - Sewer service charges.

- (a) The monthly charges for sanitary sewer services rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)	\$27.83
Next 2,000 gallons, per 1,000	\$4.32
Next 3,000 gallons, per 1,000	\$5.29
Next 4,000 gallons, per 1,000	\$5.87
Next 4,000 gallons, per 1,000	\$6.30
Next 35,000 gallons, per 1,000	\$6.93
Next 50,000 gallons, per 1,000	\$7.41
Next 50,000 gallons, per 1,000	\$7.85
Next 50,000 gallons, per 1,000	\$8.42

- (b) Residential customers. Monthly service charges for sewer service are based on the average water consumption for three winter months (December, January and February). The winter averaging is calculated in March and is reflected in the April 1st bill. New residential customers with no historical usage shall be billed for sewer usage based on the average residential customers' usage based on the most current winter averaging.

- (c) Regular commercial customers. Monthly service charge for sewer service shall be based on the monthly-metered water usage at the rates set forth above.

Sec. 86-21. - Bulk water rates.

- (a) Bulk sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) Advance, nonrefundable payment of \$50.00 to the City of Wharton at City Hall for setting the meter connection at the fire hydrant or other appropriate locations as the city may determine; and
 - (2) Payment of bulk sales rate of \$99.78 per month for the first 1,000 gallons of water dispensed, or any fraction thereof: \$39.92 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
 - (3) Advance, refundable fire hydrant meter deposit payment of \$200.00 to the City of Wharton at City Hall.
- (b) Bulk sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:
- (1) No requirement for payment of meter setting fee; and,
 - (2) Payment of bulk sales rate of \$99.78 for the first 1,000 gallons of water dispensed, or any fraction thereof; \$39.92 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and,
 - (3) No requirement for payment of the \$200.00 fire hydrant meter deposit, however each water dispensation transaction authorized under this section must be prepaid to the City of Wharton at City Hall where a one-day dispensation voucher will be issued for presentation to the water plant operator to authorize a one-day dispensation of a not to exceed amount of water in gallons. The one-day dispensation voucher identifying the cumulative number of gallons purchased will allow for scheduled multiple withdrawals of water, but only during the same City of Wharton working day upon which initial dispensation commences.

Bulk sales water service customers must provide a suitable mobile water containment vessel of sound quality for receiving and hauling water for use or consumption at any location within the Wharton water system.

Public or private volunteer fire fighting organizations that procure water only for fire prevention and control purposes and do not resell such water for other purposes, are exempt from this classification, rates and fees schedule. Contractors constructing City of Wharton Public Works projects requiring potable water for dust control and construction operations shall also be exempt from this classification, rates and fees schedule.

Any \$200.00 refundable fire hydrant meter deposit paid to the City of Wharton may be applied by the City of Wharton to the payment of any bulk sales customer unpaid bills, and when so partially consumed through past-due account application, shall be restored by the bulk sales customer to the original \$200.00 amount.

Bulk sales water service dispensation to consumers having only an occasional need for such water service are encouraged to utilize the permanently installed water meter dispensation point at the Wharton Volunteer Fire Department located on Fulton Street.

Use of the Fulton Street permanently installed water meter dispensation point requires advanced payment by check or cash to the City of Wharton at City Hall and at least four hours advanced scheduling of prospective water withdrawals which shall also only occur during the following city working hours Monday—Friday 9:00 a.m.—12:00 p.m. and 1:00 p.m.—4:00 p.m. (Saturday, Sunday and city holidays excluded).

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 a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Penalties and Fines

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

Effective Date

This ordinance shall be effective on the 1st day of October 2020 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 24th day of August 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS:

PAUL WEBB
City Attorney

Councilmember Don Mueller seconded the motion. Councilmember Terry Freese, Councilmember Russell Machann, Councilmember Clifford Jackson, Councilmember Steve Schneider and Councilmember Don Mueller voted for the motion. Councilmember Alice Heard-Roberts voted against the motion. The motion passed.

The seventh item on the agenda was to review and consider a request by Mr. Sohail Ali on behalf of SIAM Investment LLC for a Re-Plat of Wharton, Block 57, Lots 18B & 18C. City Manager Andres Garza, Jr. presented a copy of the request from Mr. Sohail Ali on behalf of SIAM Investment LLC for a Re-Plat of Wharton, Block 57, Lots 18B & 18C. Community Development Director Gwyn Teves stated the Planning Commission met on August 17, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Don Mueller moved to approve the request by Mr. Sohail Ali on behalf of SIAM Investment LLC for a Re-Plat of Wharton, Block 57, Lots 18B & 18C. Councilmember Steve Schneider seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Mr. Emilio Cervantes, 604 Maple St., Washington Homes, Block 1, Lots 1 and 2 for a setback variance to build a new home over an existing property line. City Manager Andres Garza, Jr. presented a copy of the request from Mr. Emilio Cervantes, 604 Maple St., Washington Homes, Block 1, Lots 1 and 2 for a setback variance to build a new home over an existing property line. Community Development Director Gwyn Teves stated the Planning Commission met on August 17, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Emilio Cervantes, 604 Maple St., Washington Homes, Block 1, Lots 1 and 2 for a setback variance to build a new home over an existing property line. Councilmember Terry Freese seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request for approval of variance for temporary placement of travel trailer for contractor while construction is occurring at 214 Hughes and 1024 Damon Street. City Manager Andres Garza, Jr. stated the Wharton County Recovery Team was requesting a temporary variance of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles. Community Development Director Gwyn stated Ms. Quillin was requesting a variance allowing the construction contractors who would be working at 214 Hughes and 1024 Damon Street to place a travel trailer while construction was being completed for a new home. Mrs. Teves said it was the City Staff's recommendation that if approved, the variance be terminated December 1, 2020. After some discussion, Councilmember Terry Freese moved to approve the variance for temporary placement of travel trailer for contractor while construction is occurring at 214 Hughes and 1024 Damon Street ending December 1, 2020. Councilmember Don Mueller seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a request for approval of extension on variance for temporary placement of Travel Trailer for 312 Boatwright by Wharton County Long Term Recovery Team. City Manager Andres Garza, Jr. presented a copy of the request for

Approval of Extension on Variance for Temporary Placement of Travel Trailer for 312 Boatwright by Wharton County Long Term Recovery Team. Community Development Director Gwyn Teves stated that during October 2019 the City Council approved a temporary variance of Chapter 38- Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles for the above addresses. Mrs. Teves said that the extension was granted previously on February 10, 2020, however, the resident at 312 Boatwright was still working with the GLO HAP program and was in the final stages prior to construction. She said that the City Staff was recommending that the Wharton City Council consider approving an additional 6-month extension of the variance ending January 25, 2021. After some discussion, Councilmember Clifford Jackson moved to approve the extension on variance for temporary placement of Travel Trailer for 312 Boatwright by Wharton County Long Term Recovery Team for an additional 6-month extension ending on January 25, 2021. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and Jones and Carter for the 2020 Sanitary Sewer Cleaning and Televising Project and authorizing the Mayor of the City of Wharton to execute all documents related to said project. City Manager Andres Garza, Jr. stated the City Public Works Department had identified several linear feet of sanitary sewer lines that were in need of repair or replacement. City Manager Garza said the City Staff had met with Jones and Carter Engineers to discuss which would be the best and least expensive and intrusive way to repair or replace the identified sewer lines. Public Works Director John Plaia stated that in the discussion with Jones and Carter representatives regarding the 2020 Sanitary Sewer Cleaning and Televising Project it was determined that the lines need to be cleaned, televised and evaluated for any necessary repairs or replacements. Mr. Plaia said the lines included in this project would be as follows:

1. The alley between Caney Street and Milam Street from South Richmond Road to Cloud Street.
2. The alley between Milam Street and Burluson Street from South Richmond Road to Cloud Street.
3. The right-of-way of North Richmond Road from Ahldag Avenue to Emily.
4. The right-of-way of Ahldag Avenue from North Richmond Road to Barclay Avenue.
5. The right-of-way of Lily Lane from Cottonwood Street to the dead end.
6. The right-of-way from Price Drive from Lily Lane to Cottonwood Drive.
7. The alley between Price Drive and Croom Drive from Lily Lane to Cottonwood Drive.
8. The alley between Croom Drive and Lily Lane to Cottonwood Drive.

City Manager Garza presented a draft resolution and contract that would engage Jones and Carter Engineers to assist the City on this Project. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2020-81, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-81**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND JONES AND CARTER FOR THE 2020 SANITARY SEWER CLEANING AND TELEVISIONING PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PROJECT.

WHEREAS, The Wharton City Council wishes to engage the services of Jones and Carter for the 2020 Sanitary Sewer Cleaning and Televisioning Project; and,

WHEREAS, Jones and Carter wishes to provide said services for the 2020 Sanitary Sewer Cleaning and Televisioning Project; and,

WHEREAS, The City of Wharton and Jones and Carter wishes to be bound by the conditions of said contract; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a contract with Jones and Carter for the 2020 Sanitary Sewer Cleaning and Televisioning Project.

Section II. The City of Wharton and Jones and Carter are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 24th day of August 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the sale of certain City of Wharton Properties as surplus properties and authorizing the Mayor of the City of Wharton to execute all necessary documents associated with said sale of those certain properties. City Manager Andres Garza, Jr. stated the City Council

approved the sale of surplus real property during the July 27, 2020 Council Meeting. Community Development Director Gwyn Teves stated the property was located at 114 S. Ford St., WM.KINCHELOE, Block 63, Lot 216 and bids were received at City Hall on August 18, 2020 at 10:00 a.m. Mrs. Teves stated that one bid was received in the amount of \$6,000.00 and it was the City Staff's recommendation that the bid be accepted and the award of the property go to BRP Wharton BESS. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-82, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-82**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SALE OF CERTAIN CITY OF WHARTON PROPERTIES AS SURPLUS PROPERTIES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL NECESSARY DOCUMENTS ASSOCIATED WITH SAID SALE OF THOSE CERTAIN PROPERTIES.

WHEREAS, Competitive, sealed bids were received on August 18, 2020 for Sale of certain City of Wharton Properties as Surplus Properties; and

WHEREAS, BRP Wharton BESS was deemed to be the lowest and best qualified bidder as per bid specifications for the following:

114 S. Ford St.; legally described as Wm. Kincheloe, Block 63, Lot 216, City of Wharton, Wharton County, Texas, and identified by the Wharton County Appraisal District by (R018601) in the amount of \$6,000.00; and

WHEREAS, The Wharton City Council wishes to sale the afore-mentioned property to BRP Wharton BESS; and

WHEREAS, The City of Wharton and BRP Wharton BESS wishes to be bound by the conditions set forth in the contracts; and

WHEREAS, This resolution is passed in accordance with this bid.

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

Section I. That BRP Wharton BESS is hereby awarded the bids for the purchase of the afore-mentioned certain City of Wharton Surplus Real Property.

Section II. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the afore-mentioned contracts.

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

Passed, Approved, and Adopted this 24th day of August 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 thirteenth item on the agenda was to review and consider Community Development Block Grant-Mitigation (CDBG-MIT) Grant Programs:

- A. Resolution: A resolution of the Wharton City Council awarding a contract for grant services for the Community Development Block Grant-Mitigation (CDBG-MIT) Grant Programs administered by the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

City Manager Andres Garza, Jr. stated the City Council approved the establishment of a Consultant Selection Committee and authorized the City Staff to solicit for engineering and grant services for the CDBG-MIT grant programs administered by the GLO on June 22, 2020. City Manager Garza said the proposals were received for both at City Hall on August 6, 2020 at 2:30pm. Community Development Director Gwyn Teves stated the Consultant Selection Committee and the City Council Finance Committee met on Monday, August 24, 2020 at 5:30 p.m. and scored the proposals and were recommending awarding a contract for grant services to Grantworks. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-83, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR GRANT SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION (CDBG-MIT) GRANT PROGRAMS ADMINISTERED BY THE TEXAS

GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract for Administrative Grant Services for the Community Development Block Grant - Mitigation (CDBG-MIT) grant programs administered by the Texas General Land Office (GLO) with Grantworks; and,

WHEREAS, The City of Wharton and Grantworks wishes 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 said contract.

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 Grantworks for Administrative Grant Services for the Community Development Block Grant - Mitigation (CDBG-MIT) grant programs administered by the Texas General Land Office (GLO).

Section II. The City of Wharton and Grantworks are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 24th day of August 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

B. Resolution: A resolution of the Wharton City Council awarding a contract for engineering services for the Community Development Block Grant-Mitigation (CDBG-MIT) Grant

Programs administered by the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

Community Development Director Gwyn Teves stated the Consultant Selection Committee and the City Council Public Works Committee met on Monday, August 24, 2020 at 6:00pm and scored the proposals and were recommending awarding a contract for engineering services to Gunda Engineering. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2020-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION (CDBG-MIT) GRANT PROGRAMS ADMINISTERED BY THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to enter into a contract for Engineering Services for the Community Development Block Grant - Mitigation (CDBG-MIT) grant programs administered by the Texas General Land Office (GLO) with Gunda; and,

WHEREAS, The City of Wharton and Gunda wishes 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 said contract.

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 Gunda for Engineering Services for the Community Development Block Grant - Mitigation (CDBG-MIT) grant programs administered by the Texas General Land Office (GLO).

Section II. The City of Wharton and Gunda are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 24th day of August 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 fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of one hundred (100) individual hand sanitizer stands and two hundred (200) gallons of sanitizing gel for distribution to local business to combat the spread of the Coronavirus and authorizing the City Manager to execute all documents related to said purchase. City Manager Andres Garza, Jr. stated the Texas Department of Emergency Management (TDEM) on May 11, 2020 notified entities of funding through the Coronavirus Relief Fund (CRF) that was enacted as part of the Coronavirus Aid, Relief and Economic Security (CARES) Act. City Manager Garza said that the funds were tied to COVID-19 expenditures that had incurred due to the medical health emergency. Community Development Director Gwyn Teves stated the funding was available for reimbursement up to the max amount and for the period of March 1, 2020 through December 30, 2020. Mrs. Teves said the City Staff was requesting approval for the purchase of one hundred (100) individual hand sanitizer stands and two hundred (200) gallons of sanitizing gel to distribute to local businesses. Mrs. Teves said the staff solicited quotes from six (6) companies: 1. S & T Medical Resources, LLC 2. B & E Medical Supply and Equipment, LLC 3. Health and Care Supplies, LLC 4. Anchorage Medical Equipment and Supplies 5. Medequip Depot LLC 6. Restaurant Supply.com 7. Prime Eco Group Quotes were received from Anchorage Medical Equipment Supplies, Restaurant Supply.com and Prime Eco. Stands: Sanitizer: Anchorage \$149.00ea \$25/gal Restaurant Supply \$179.00ea \$29.99/gal Prime Eco N/A \$22.00/gal w/pump and it was her recommendation to purchase the one hundred (100) individual hand sanitizer stand from Anchorage Medical Equipment and Supplies and two hundred (200) gallons of sanitizing gel from Prime Eco. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-85, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-85**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF

ONE HUNDRED (100) INDIVIDUAL HAND SANITIZER STANDS FROM ANCHORAGE MEDICAL EQUIPMENT AND SUPPLIES AND TWO HUNDRED (200) GALLONS OF SANITIZING GEL FOR DISTRIBUTION TO LOCAL BUSINESSES TO COMBAT THE SPREAD OF THE CORONAVIRUS FROM PRIME ECO AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Community Development Department requests that the City Council approve the purchase of one hundred (100) individual hand sanitizer stand from Anchorage Medical Equipment and Supplies and two hundred (200) gallons of sanitizing gel from Prime Eco; and,

WHEREAS, The City of Wharton has received funding through the Texas Department of Emergency Management Coronavirus Relief Fund; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase one hundred (100) individual hand sanitizer stands from Anchorage Medical Equipment and Supplies and two hundred (200) gallons of sanitizing gel from Prime Eco.

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

SECTION I. The Wharton City Council hereby authorizes the purchase of one hundred (100) individual hand sanitizer stands from Anchorage Medical Equipment and Supplies and two hundred (200) gallons of sanitizing gel from Prime Eco.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the purchase of one hundred (100) individual hand sanitizer stands from Anchorage Medical Equipment and Supplies and two hundred (200) gallons of sanitizing gel from Prime Eco.

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

PASSED AND APPROVED this 24th day of August 2020.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember Alice Heard-Roberts 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 establishment of a checking account for all Texas Department of Emergency Management Awards for all disasters (public assistance, hazard mitigation, etc.) with Prosperity Bank and authorizing the Mayor, City Manager and Finance Director as the signatories. City Manager Andres Garza, Jr. stated that on July 24, 2020 the Mayor was notified that the City had been awarded a Hazard Mitigation Grant Program, DR-4332 Hurricane Harvey. City Manager Garza said that one of the requirements was to establish a checking account for all Texas Department of Emergency Management awards for all disasters (Public Assistance, Hazard Mitigation, etc.). City Manager Garza presented a draft copy of the resolution establishing the account with Prosperity Bank and authorizing the Mayor, City Manager, and Finance Director as signatories. After some discussion, Councilmember Don Mueller moved to approve City Of Wharton Resolution No. 2020-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-86**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ESTABLISHMENT OF A CHECKING ACCOUNT FOR ALL TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT AWARDS FOR ALL DISASTERS (PUBLIC ASSISTANCE, HAZARD MITIGATION, ETC). WITH PROSPERITY BANK AND AUTHORIZING THE MAYOR, CITY MANAGER AND FINANCE DIRECTOR AS THE SIGNATORIES.

RESOLVES that the City Council of the City of Wharton authorize a new account with Prosperity Bank for all Texas Department of Emergency Management System awards with disasters; and,

RESOLVES that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's Checking Account with Prosperity Bank:

1. City Manager
2. Finance Director
3. Mayor

RESOLVES that effective August 24, 2020, the above listed City officials are the authorized signatories to the Checking Account.

RESOLVES that this resolution shall become effective August 24, 2020.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 24th day of August 2020.

CITY OF WHARTON

By: _____

Tim Barker

Mayor

ATTEST:

—

Paula Favors
City Secretary

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

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of one (1) Stryker Power Load Unit from Stryker Medical through the Coronavirus Relief Fund (CRF) that was enacted as part of the Coronavirus Aid, Relief and Economic Security (CARES) Act and authorizing the City Manager to execute all documents related to said purchase. City Manager Andres Garza, Jr. stated the City of Wharton EMS Department had identified needs for the department to help mitigate the spread of COVID-19. City Manager Garza said the item identified was a Stryker Power Load System that would assist in raising/lowering and loading/unloading a patient in the ambulance. EMS Director John Kowalik stated that due to COVID-19, EMS crews has been limited to only one person to load and unload the patients and were in need of an additional Stryker Power Load System to help assist with raising/lowering and loading/unloading a patient in the ambulance. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-87**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF ONE (1) STRYKER POWERLOAD UNIT FROM STRYKER MEDICAL THROUGH THE CORONAVIRUS RELIEF FUND (CRF) THAT WAS ENACTED AS PART OF THE CORONAVIRUS AID, RELIEF AND ECONOMIC SECURITY (CARES) ACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton Emergency Medical Services Department requests that the City Council approve the purchase of one (1) Stryker PowerLoad from Stryker Medical; and,

WHEREAS, The City of Wharton has received funding through the Texas Department of Emergency Management Coronavirus Relief Fund (CRF) through the Coronavirus Aid, Relief and Economic Security (CARES) Act; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager to purchase one (1) Stryker PowerLoad from Stryker Medical.

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

SECTION I. The Wharton City Council hereby authorizes the purchase of one (1) Stryker PowerLoad

from Stryker Medical through the Texas Department of Emergency Management Coronavirus Relief Fund (CRF) through the Coronavirus Aid, Relief and Economic Security (CARES) Act.

SECTION II. The Wharton City Council hereby authorizes the City Manager to execute the purchase of one (1) Stryker PowerLoad from Stryker Medical.

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

PASSED AND APPROVED this 24th day of August 2020.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

Paula Favors
City Secretary

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

The seventeenth item on the agenda was to review and consider an update of City of Wharton Grant Programs. City Manager Andres Garza, Jr. presented a copy of a memorandum dated August 18, 2020, from Community Development Coordinator, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated August 17, 2020 to the City Council providing an update on the City of Wharton current projects as of July 31, 2020, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has begun the process to acquire the property necessary to construct the project. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City through HDR has begun the process of making offers to property owners.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil. The ideal disposal site should be close to the project site to reduce the cost of construction.

2. Ahldag Ditch Improvement.

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

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

2. Water Well Repair Project-Cloud Street.

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

3. Water Well and Water Plant Project – CR 222 (Halford).

Half and Associates the City's engineering firm on the project are completing the plan and specifications for the project. The plans and specifications must be submitted to the USDA for review and approval. The City Staff anticipate the project to be out for bid by the third quarter of 2020 once USDA approves the plans and specifications.

STREET IMPROVEMENTS

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City Staff is working on funding for the project.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that an engineering firm has been selected to design the project from Highway 60 to FM 961.

3. NanYa Exit Ramp Project.

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

4. 2020 City Street Improvement Project.

The City has begun the 2020 Street Improvement Project. The City of Wharton Public Works Department has prepared approximately 75% of the streets for the Street Program. The seal coating is expected to begin in early September 2020.

After some discussion, no action was taken.

The nineteenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, no action was taken.

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

- A. Finance Committee Meeting held August 10, 2020.
- B. Public Works Committee Meeting held August 10, 2020.

After some discussion, no action was taken.

The twenty-first item on the agenda was to review and consider City Manager's Reports:

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

After some discussion, no action was taken.

The twenty-second item on the agenda was Executive Session:

City Council may adjourn into an Executive Session in accordance with Sections 551.072 and 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision

or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

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

Mayor Tim Barker moved the meeting into Executive Session at 8:24 p.m.

The twenty-third item on the agenda was to Return to Open Session.

Action on items discussed in Executive Session:

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

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 9:21 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

