

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
DECEMBER 14, 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 Attorney Paul Webb, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, MMC, Community Development Director Gwyn Teves, Assistant to the Building Official Claudia Velasquez, Public Works Director John Plaia and Emergency Management Coordinator Steve Johnson.

Visitors present were: City of Wharton Health Official Dr. Jeff Gubbels, Laura Clemons, Certified Floodplain Manager, Rachel Bahnsen, Billy Bahnsen, Demariah Williams, Adraylle Watson, Ron Sanders, Executive Director of the Wharton Chamber of Commerce, Jessica Hartman, with The County Gin and Albert Villegas, with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Barker called for Public Comments.

Mr. Deshavian Williams stated that he had recently purchased his grandmother's home and had begun to receive notices of code violations filed in the Wharton Municipal Court. Mr. Williams requested additional time to be able to repair the home, since he had recently graduated college and did not have the resources to make the repairs at the current time.

Wharton Moment.

Mayor Tim Barker called for Wharton Moments. No comments were given.

Review and Consider:

The first item on the agenda to review and consider was the reading of the minutes from the regular meetings held November 9, 2020 and November 23, 2020 and special meeting held November 16, 2020. After some discussion, Councilmember Clifford Jackson moved to approve the minutes from the regular meetings held November 9, 2020 and November 23, 2020 and special meeting held November 16, 2020. Councilmember Russell Machann seconded the motion. All voted in favor.

The second item on the agenda is to review and consider COVID-19 Update. Emergency Management Coordinator Steve Johnson presented the City Council with an update regarding COVID-19 and the vaccine that was set to be distributed to some First Responders by the end of December 2020. City Health Official Dr. Jeff Gubbels presented to the City Council an update on COVID-19. After some discussion, no action was taken.

The third item on the agenda to review and consider a presentation from Ms. Laura Clemons, Certified Floodplain Manager, regarding the Emerson Heights Housing Project. Ms. Laura Clemons made a presentation to the City Council regarding the Emerson Heights Housing Project. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a request by Mr. Alberto Vasquez for approval of a variance for the temporary placement of a travel trailer while construction was occurring at 532 East Elm Street. City Manager Andres Garza, Jr. presented a copy of the request by Mr. Alberto Vasquez for approval of a variance for the temporary placement of a travel trailer while construction was occurring at 532 East Elm Street. Assistant to the Building Official Claudia Velasquez stated it was the City Staff's recommendation that if approved the variance would begin on January 1, 2021 and will be terminated on June 30, 2021 with no extension. Mrs. Velasquez said that if the construction was not completed by June 30, 2021 Mr. Vasquez would have to move the travel trailer to an RV Park. After some discussion, Councilmember Clifford Jackson moved to approve the request by Mr. Alberto Vasquez for approval of a variance for the temporary placement of a travel trailer while construction was occurring at 532 East Elm Street begin on January 1, 2021 and terminating on June 30, 2021 with an opportunity for the City Council to consider a possible extension if necessary. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request by Ms. Valerie Johnson, 212 Dahlgren Ave., Ahldag Subdivision, Block 9, Lot 9B, 9B-2 & 10A-1 for a 0' variance to build over property lines. City Manager Andres Garza, Jr. presented a request by Ms. Valerie Johnson, 212 Dahlgren Ave., Ahldag Subdivision, Block 9, Lot 9B, 9B-2 & 10A-1 for a 0' variance to build over property lines. Community Development Director Gwyn Teves stated the Planning Commission was unable to meet due to lack of a quorum and was referring the request to the City Council for a final decision. After some discussion, Councilmember Russell Machann moved to approve the request by Ms. Valerie Johnson, 212 Dahlgren Ave., Ahldag Subdivision, Block 9, Lot 9B, 9B-2 & 10A-1 for a 0' variance to build over property lines. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Ms. LeaAnne Klentzman, 318 Ave. A, Barbee Subdivision, Block 4, Lots 4A – 6A for a 2' side building line setback variance from the required 5' for construction of a carport. City Manager Andres Garza, Jr. presented a

request by Ms. LeaAnne Klentzman, 318 Ave. A, Barbee Subdivision, Block 4, Lots 4A – 6A for a 2' side building line setback variance from the required 5' for construction of a carport. Community Development Director Gwyn Teves stated the Planning Commission was unable to meet due to lack of a quorum and was referring the request to City Council for a final decision. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by Ms. LeaAnne Klentzman, 318 Ave. A, Barbee Subdivision, Block 4, Lots 4A – 6A for a 2' side building line setback variance from the required 5' for construction of a carport. Councilmember Russell Machann seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution authorizing publication of Notice of Intention to issue Certificates of Obligation. City Manager Andres Garza, Jr. stated the City Staff had been working with Mr. James Gilley of U.S. Capital Advisors LLC, the City's financial advisor, and Tom Sage, bond counsel with Hunton Andrews Kurth LLP, regarding the intention to issue certificates of obligation for the State Infrastructure Bank (SIB) loan thru the Texas Department of Transportation (TxDOT) for the Extension of FM1301 from SH 60 to US 59 in Wharton. City Manager Garza said that this notice was required to be published once a week for two (2) consecutive weeks, the date of the first publication was to be at least forty-six (46) days before the date of the passage of the ordinance authorizing the issuance of the certificates of obligation. Finance Director Joan Andel stated that this item was taken to City Council for approval on September 14, 2020 and was approved but due to the TxDOT Commission not being able to complete its approval process until January 28, 2021, it was necessary that the City re-publish the notice to meet the required responsibility. Mrs. Andel said that she was recommending that the notice be published on Saturday, December 19, 2020. She said the Finance Committee met on December 14, 2020 and were recommending the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-130, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-130**

**RESOLUTION AUTHORIZING PUBLICATION OF NOTICE
OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

**THE STATE OF TEXAS §
COUNTY OF WHARTON §
CITY OF WHARTON §**

WHEREAS, the City Council of the City of Wharton, Texas (the "City"), deems it advisable to issue certificates of obligation of the City in accordance with the Notice hereinafter set forth; Now, Therefore

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

Section 1. The facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of intention to issue certificates of obligation (the “Notice”).

Section 3. The Notice authorized in Section 2 above shall be published once a week for two (2) consecutive weeks in a newspaper which is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in said Notice for the passage of the ordinance authorizing the issuance of such certificates of obligation. Further, the Notice shall be continuously posted on the City’s Internet website, for at least forty-five (45) days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections.

Section 5. The Mayor, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 6. This resolution shall take effect immediately upon its passage.

Section 7. The Notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

PASSED AND APPROVED the 14th day of December, 2020.

Mayor
City of Wharton, Texas

ATTEST:

City Secretary
City of Wharton, Texas

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

The eighth item on the agenda was to review and consider a request from Texas Department of Transportation (TxDOT) for right-of way (ROW) for the proposed traffic signal upgrade at SH 60

and FM 102. City Manager Andres Garza, Jr. presented a copy of an email to him from Mr. Jeffery Vinklarek, P.E., Director of Transportation Planning and Development TxDOT-Yoakum District regarding the request of right-of-way for the proposed traffic signal upgrade at SH 60 and FM 102. City Manager Garza stated that in accordance with the Texas Administrative Code Title 43, Part 1, Chapter 15, Subchapter E. Federal and State and Local Participation, Section 15.55, TxDOT was requesting from the City of Wharton a fixed amount of the estimated cost of right-of-way acquisition and eligible utility adjustments. He said the estimated cost for the project was as follows:

RCSJ 0089-10-029 SH 60 City of Wharton, ROW Total Estimated cost is \$19,000.00.

Community Development Director Gwyn Teves stated that the City was responsible for 10% which would be \$1,900.00 and TxDOT was responsible for 90% which is \$17,100.00. Mrs Teves said that TxDOT would like to start acquiring the right of way after the new year, and they were needing the City's portion before the project starts. After some discussion, no action was taken.

The ninth item on the agenda was to review and consider an ordinance declaring a public necessity for rights of entry and/or acquisition to the below listed properties located in Wharton, Texas, for a public purpose, namely for geotechnical studies, appraisal, surveying, environmental assessments and borings and/or acquisition for the Lower Colorado River Basin Phase II, Texas, Wharton Flood Risk Management Project; ratifying and affirming all prior acts and proceeding done or initiated by attorneys and employees of the City to acquire such rights of entry/acquisitions for the property; authorizing all other lawful action necessary or incidental to such rights of entry/acquisitions. City Manager Andres Garza, Jr. stated the City of Wharton had been working with the United States Army Corps of Engineers (USACE) on the Wharton Colorado Levee Project and the USACE had contracted an engineering firm for the design of Phase II and to complete this work, Rights of Entry (ROE) to properties must be obtained. Community Development Director Gwyn Teves stated the City had been working with property owners and HDR to obtain the Phase II ROE's. Mrs. Teves said that as a requirement for design and acquisition, if the property owners were not willing to provide rights of entry or negotiate with the City, the City needed to have a Public Purpose Ordinance in place. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Ordinance No. 2020-21, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020-21**

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR RIGHTS OF ENTRY AND/OR ACQUISITION TO THE BELOW LISTED PROPERTIES LOCATED IN WHARTON, TEXAS, FOR A PUBLIC PURPOSE, NAMELY FOR GEOTECHNICAL STUDIES, APPRAISAL, SURVEYING, ENVIRONMENTAL ASSESSMENTS AND BORINGS AND/OR ACQUISITION FOR THE LOWER COLORADO RIVER BASIN PHASE II, TEXAS, WHARTON FLOOD RISK MANAGEMENT PROJECT; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH RIGHTS OF ENTRY/ACQUISITIONS FOR THE PROPERTY; AUTHORIZING ALL OTHER

LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH RIGHTS OF ENTRY/ACQUISITIONS.

WHEREAS, the City of Wharton, Texas, has determined that the tract(s) or parcel(s) of land, hereinafter described, are required for investigation/acquisition for the City public works Levee flood control improvements; and

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

BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:

SECTION I. AUTHORIZATION. The City Attorney, Paul Webb, and the Special Legal Counsel of the City, Davidson, Troilo, Ream & Garza P. C., is hereby authorized and funded to prepare appropriate legal documents and enter appropriate negotiations for the right to enter and/or acquisition of the properties described in Exhibit “A”. Failing such final attempt at negotiation, Special Legal Counsel is hereby authorized to initiate eminent domain condemnation proceedings in a court of competent jurisdiction in Wharton County, Texas on behalf of the City to obtain rights of entry and/or fee simple ownership of said parcel(s).

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

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

SECTION IV. SEVERABILITY. If any provision of this Ordinance or the application hereof to any circumstance shall ever be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the governing body hereby declares that this Ordinance would have been enacted

without such invalid provision; and that in lieu of each clause or provision of this Ordinance that is deemed invalid, illegal, or unenforceable, there then will be added by the Mayor as necessary, with the approval of the City Manager and City Attorney as to form and legality, and as a part of the Ordinance, a substitute or additional clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be legally possible, valid and enforceable.

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

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

PASSED AND ADOPTED this the 14th day of December 2020.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

Exhibit "A"

R022826	RIVERSIDE LOT 1,2
R026596	WHARTON BLOCK 59 LOT 10B
R026598	WHARTON BLOCK 59 LOT 11
R026605	WHARTON BLOCK 59 LOT 13E
R026957	A20001 ABST.1 TRACT 8,9
R032037	A20038 ABST.38 TRACT 46
R055173	A20038 ABST.38 TRACT 47A,49
R032139	A20038 ABST.38 TRACT 55B

R032141	A20038 ABST.38 TRACT 55B-1
R027668	A20003 ABST.3 TRACT 49
R027658	A20003 ABST.3 TRACT 45B
R070099	A20003 ABST.3 TRACT 47,47B
R026611	WHARTON BLOCK 59 LOT 13C
R026965	A20001 ABST.1 TRACT 10E
R032127	A20038 ABST.38 TRACT 55 PT.(EAST),55T,56C
R068966	A20038 ABST.38 TRACT 55 PT.(WEST) AG PART NEXT TO LIVESTOCK AUCTION
R060210	A20001 ABST.1 TRACT 7D
R056464	A20003 ABST.3 TRACT 50B-RR
R018684	WM. KINCHELOE BLOCK 68 LOT 1B-2
R027671	A20003 ABST.3 TRACT 44 LOT 1
R027672	A20003 ABST.3 TRACT 44 LOT 2
R027673	A20003 ABST.3 TRACT 44, LOT 2A
R027674	A20003 ABST.3 TRACT 44 LOT 2B
R027675	A20003 ABST.3 TRACT 44 LOT 2C
R027680	A20003 ABST.3 TRACT 44 LOT 4B
R027694	A20003 ABST.3 TRACT 50B,51A
R026942	A20001 ABST.1 TRACT 6A PT.
R026968	A20001 ABST.1 TRACT 13

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council adopting the 2020-2021 Title VI Nondiscrimination Plan & Annual Report and authorizing the Mayor of the City of Wharton to execute all documents relating to said adoption. City Manager Andres Garza, Jr. stated that on June 12, 2017, the City Council adopted the first Title VI Plan after Texas Department of Transportation (TxDOT) Contract Compliance notified the City of the requirement to have a Title VI Plan in place. Community Development Director Gwyn Teves stated the plan would require yearly reviews and reporting and must be re-adopted every three (3) years. Mrs. Teves said the plan addressed discrimination in any capacity and lays out a complaint procedure for any occurrences should it be necessary. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-131, which read as follows:

**CITY OF WHARTON
 RESOLUTION NO. 2020 - 131**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE 2020-2021 TITLE VI NONDISCRIMINATION PLAN & ANNUAL REPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID ADOPTION.

WHEREAS, Recipients of federal financial assistance are required to comply with various nondiscrimination laws and regulations; and,

WHEREAS, The City of Wharton’s Title VI program has been established in accordance with federal rules under 49 CFR Part 21 and 49 CFR Part 303, and falls within the scope of responsibilities of the Office of Community Development; and,

WHEREAS, The City of Wharton has prepared the 2020 Annual Workplan and Accomplishment Report; and,

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

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

SECTION I. The Wharton City Council hereby approves the 2020-2021 Title VI Plan and 2020 Annual Workplan and Accomplishment Report.

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 14th day of December 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider the Texas Community Development Block Grant Downtown Revitalization Program and Main Street Grant Programs administered by the Texas Department of Agriculture:

- A. Resolution: A resolution of the Wharton City Council authorizing the City Staff to issue requests for proposals (RFP) for administrative services and establishing a Consultant Selection Committee and developing evaluation criteria for the selection of administrative services for the 2021-2022 Community Development Block Grant (CDBG)-Downtown Revitalization/Main Street (DRP/MS) Programs administered by the Texas Department of Agriculture (TDA) for application and grant management.
- B. Resolution: A resolution of the Wharton City Council authorizing the City Staff to issue Requests for Qualifications (RFQ) for engineering services and establishing a Consultant Selection Committee and developing evaluation criteria for the selection of engineering services for the 2021-2022 Community Development Block Grant (CDBG)-Downtown

Revitalization/Main Street (DRP/MS) Programs administered by the Texas Department of Agriculture (TDA).

City Manager Andres Garza, Jr stated the Texas Community Development Block Grant - Downtown Revitalization Program and Main Street Grant Programs administered by the Texas Department of Agriculture had recently announced the notice of funding opportunity for the program and the applications were due May 3, 2021. Community Development Director Gwyn Teves stated the Public Works Committee met on December 14, 2020 and were recommending the City Council consider approving the requests. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-132 and 2020-133, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-132**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR ADMINISTRATIVE SERVICES AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF ADMINISTRATIVE SERVICES FOR THE 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - DOWNTOWN REVITALIZATION /MAIN STREET (DRP/MS) PROGRAMS ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) FOR APPLICATION AND GRANT MANAGEMENT.

WHEREAS, The Wharton City Council wishes to authorize City Staff to issue Requests for Proposals (RFP) for Administrative Services for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street (DRP/MS) programs administered by the Texas Department of Agriculture (TDA); and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street (DRP/MS) programs administered by the Texas Department of Agriculture (TDA) and provide recommendations to the entire City Council; and,

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

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

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

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

- Section I.** That the Wharton City Council hereby authorizes City Staff to issue Requests for Proposals (RFP) for Administrative Services for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street (DRP/MS) programs administered by the Texas Department of Agriculture (TDA).
- Section II.** That the Wharton City Council hereby establishes the City Council Consultant Selection Committee.
- Section III.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the Finance Director and the Community Development Director.
- Section IV.** That the criteria as set forth in Attachment A is hereby approved.
- Section V.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 14th day of December 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-133**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING CITY STAFF TO ISSUE REQUESTS FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF ENGINEERING SERVICES FOR THE 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) - DOWNTOWN REVITALIZATION /MAIN STREET (DRP/MS) PROGRAMS ADMINISTERED BY THE TEXAS DEPARTMENT OF AGRICULTURE (TDA).

WHEREAS, The Wharton City Council wishes to authorize City Staff to issue Requests for Qualifications (RFQ) for Engineering Services for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street

(DRP/MS) programs administered by the Texas Department of Agriculture (TDA); and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street (DRP/MS) programs administered by the Texas Department of Agriculture (TDA) and provide recommendations to the entire City Council; and,

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

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

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

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

Section I. That the Wharton City Council hereby authorizes City Staff to issue Requests for Qualifications (RFQ) for Engineering Services for the 2021-2022 Community Development Block Grant (CDBG) - Downtown Revitalization /Main Street (DRP/MS) programs administered by the Texas Department of Agriculture (TDA).

Section II. That the Wharton City Council hereby establishes the City Council Consultant Selection Committee.

Section III. That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Works Committee along with the Public Works Director and the Community Development Director.

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

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

Passed, Approved, and Adopted this 14th day of December 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 approving one or multiple firms as eligible for construction contracting, having been the lowest qualified bidder(s) for the City of Wharton's bid solicitation under the Floods Housing Assistance Program – GLO CDBG-DR Contract # 19-076-050-B70":

- A. Resolution: A resolution of the Wharton City Council awarding a contract for construction for the 2016 Community Development Block Grant-Disaster Recovery (CDBG-DR) 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 award.

City Manager Andres Garza, Jr. stated that on August 27, 2018, the City of Wharton City Council approved resolution number 2018-66 approving the City Staff to submit an application for the CDBG-DR 2016 Floods Program. City Manager Garza said that on February 4, 2019, the Mayor was notified that the City had been awarded the Community Development Block Grant - Disaster Recovery (CDBD-DR) funds in the amount of \$2 million dollars for the CDBG-DR 2016 Floods Program. Community Development Director Gwyn Teves stated the funding would assist homeowners with elevation, rehabilitation and reconstruction of homes to address existing damage and mitigate future damage. Mrs. Teves said the Finance Committee met on December 14, 2020 and were recommending the City Council consider approval of awarding the contract. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-134, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-134**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR CONSTRUCTION FOR THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY(CDBG-DR) 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 AWARD.

WHEREAS, The Wharton City Council wishes award services to Arkitekura Development Inc., for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) grant programs administered by the Texas General Land Office (GLO) for construction of 1633 Connie St., Wharton, TX 77488 and 617 Branch St., Wharton, TX 77488; and,

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

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

Section I. The Wharton City Council hereby awards services to Arkitekura Development Inc., for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) grant programs administered by the Texas General Land Office (GLO) for construction of 1633 Connie St., Wharton, TX 77488 and 617 Branch St., Wharton, TX 77488.

Section II. The Wharton City Council authorizes the Mayor of the City of Wharton to execute said award.

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

Passed, Approved, and Adopted this 14th day of December 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 thirteenth item on the agenda was to review and consider a request from the Community Development Department in conjunction with the Wharton Economic Development Corporation (WEDC), the Wharton Downtown Business Association (WDBA) and the Wharton Chamber of Commerce for a new community logo. City Manager Andres Garza, Jr. stated the City of Wharton Community Development Department, in conjunction with Wharton Economic Development Corporation (WEDC), Wharton Downtown Business Association (WDBA), Wharton Chamber of Commerce and other members of the community, participated in the WDBA's Community Branding Study with fd2s, as funded through donations by the WDBA and WEDC. City Manager Garza said that as a result, a new community logo had been developed and was being proposed for adoption by the City Council for the City, WEDC, WDBA, and the Chamber to utilize as a marketing brand to attract development and investment for the community. City Manager Garza presented a copy of the proposed community logo proposed by fd2s with visual renderings and examples of how the logo could be utilized across merchandise, billboards, and any future signage. Community Development Director Gwyn Teves stated the City of Wharton would hold ownership of the logo, with management by the Community Development Department with uses allowed for WEDC, WDBA and the Chamber in community events, community marketing, and tourism efforts

only. Mrs. Teves said that the logo was intended to represent the community and be used as a marketing tool, not to replace the City's official government seal and it was her recommendation that the City Council consider approving the new community logo. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request from the Community Development Department in conjunction with the Wharton Economic Development Corporation (WEDC), the Wharton Downtown Business Association (WDBA) and the Wharton Chamber of Commerce for a new community logo. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the Texas Community Development Block Grant (TxCDBG) – Texas Department of Agriculture for Contract 7220499:

- A. Resolution: A resolution of the Wharton City Council adopting Civil Rights Policies for the Texas Community Development Block Grant (TxCDBG) Funding issued from the Texas Department of Agriculture for Contract 7220499 and authorizing the Mayor to act as the City's executive officer and authorized representative in all matters pertaining to the City's participation in the TxCDBG Program.
- B. Resolution: A resolution of the Wharton City Council designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Texas Community Development Block Grant Program (TxCDBG) Contract Number 7220499.

City Manager Andres Garza, Jr. stated that on November 9, 2020 the City Council accepted the award in the amount of \$350,000.00 for sanitary sewer repairs on South East Avenue. City Manager Garza presented copies of the resolutions for a checking account and signatories and a resolution for the required civil rights policies and procedures as required to meet the funding criteria and the draft policies. Community Development Director Gwyn Teves stated both resolutions would need approval for the Texas Community Development Block Grant (TxCDBG) – Texas Department of Agriculture for Contract 7220499. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-135 and 2020-136, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-135**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING CIVIL RIGHTS POLICIES FOR THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) FUNDING ISSUED FROM THE TEXAS DEPARTMENT OF AGRICULTURE FOR CONTRACT 7220499; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TxCDBG PROGRAM.

WHEREAS, the City of Wharton, Texas, (hereinafter referred to as "City of Wharton") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA"); and,

- WHEREAS,** the City of Wharton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability; and,
- WHEREAS,** the City of Wharton, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and,
- WHEREAS,** the City of Wharton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area; and,
- WHEREAS,** the City of Wharton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and,
- WHEREAS,** the City of Wharton, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project; and,
- WHEREAS,** the City of Wharton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and,
- WHEREAS,** the City of Wharton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and,
- WHEREAS,** the City of Wharton, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS adopts the following:

- 1. Citizen Participation Plan and Grievance Procedures (Form A1013);**
- 2. Section 3 Policy (Form A1002);**
- 3. Excessive Force Policy (Form A1003);**
- 4. Section 504 Policy and Grievance Procedures (Form A1004);**
- 5. Limited English Proficiency (LEP) Standards (Form A1010);**
- 6. Fair Housing Policy (Form 1015); and**
- 7. Code of Conduct Policy.**

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

Passed, Approved, and Adopted this 14th day of December 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020 - 136**

A RESOLUTION OF THE WHARTON CITY COUNCIL DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7220499.

WHEREAS, The City of Wharton has received a 2020 Texas Community Development Block Grant award to provide Sewer Improvements; and

WHEREAS, It is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture, and;

WHEREAS, An original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;

WHEREAS, The City of Wharton acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG Depository/ Authorized Signatories Designation Form (Form A202).

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

SECTION I. The Mayor and City Manager are authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2020 Texas Community Development Block Grant Program.

SECTION II. The Mayor, City Manager, and Finance Director are authorized to execute the State of Texas Purchase Voucher and Request for Payment Form documents required for requesting funds approved in the 2020 Texas Community Development Block Grant Program.

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

PASSED, APPROVED, and ADOPTED this 14th day of December 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 fifteenth item on the agenda was to review and consider the City of Wharton 2020 Street Improvement Project:

- A. Pay Request No. 1 from BEFCO Engineering for the City of Wharton 2020 Street Improvement Project.

City Manager Andres Garza, Jr. presented a copy of a Pay Request from BEFCO Engineering for the City of Wharton 2020 Street Improvement Project in the amount of \$521,297.51. Councilmember Don Mueller expressed his concerns with the work that had been completed stating

that there were many issues that needed to be addressed before payment could be made. Councilmember Alice Heard-Roberts stated that she had received several complaints on the condition of the streets that were completed. City Manager Garza stated that he was disappointed in the outcome of the project and that it should have been completed several months ago. After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider cancellation of the December 28, 2020 Regular Wharton City Council Meeting. City Manager Andres Garza, Jr. stated the City Staff was requesting the cancellation of the December 28, 2020 Regular Wharton City Council Meeting due to the holidays. Councilmember Russell Machann moved to approve the cancellation of the December 28, 2020 Regular Wharton City Council Meeting. Councilmember Terry Freese 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:

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

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

- A. Wharton Regional Airport Board. Term Expiring:

Larry David June 30, 2022

- C. Mayor's Committee on People with Disabilities.

Adraylle Watson June 30, 2021

Councilmember Clifford Jackson 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 Regular Meeting held November 16, 2020.
- B. Finance Committee Meeting held November 23, 2020.

After some discussion, no action was taken.

Executive Session:

City Council may adjourn into an Executive Session in accordance with Section 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. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - 1. Assistant City Manager.
 - 2. City Manager.

Mayor Tim Barker moved the meeting into Closed Session at 8:22 p.m.

Return to Open Session:

Action on items discussed in Executive Session:

- A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 - 1. Assistant City Manager.
 - 2. City Manager

Mayor Tim Barker returned the meeting to Open Session at 8:22 p.m. Councilmember Terry Freese moved to appoint City Secretary Paula Favors to the position of Assistant City Manager. Councilmember Russell Machann seconded the motion. All voted in favor.

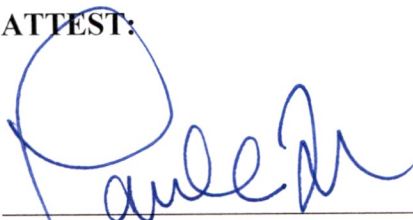
Adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The meeting adjourned at 8:43 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

