

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
JULY 27, 2020**

Mayor Pro-Tem Don Mueller 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. Mayor Pro-Tem Don Mueller led the opening devotion and led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: Via Zoom: City Manager Andres Garza, Jr, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez, Emergency Management Coordinator Steve Johnson, EMS Director John Kowalik, City of Wharton Health Official Jeff Gubbels and Community Development Director Gwyn Teves.

Visitors present were: Via Zoom: Ron Sanders, Executive Director of the Wharton Chamber of Commerce, Steven Roberts, Albert Villegas with the Wharton Journal Spectator and Natalie Frels-Busby, Editor in Chief with The County Gin.

Roll Call and Excused Absences. All Councilmembers were present.

City Manager Andres Garza, Jr. stated that in an effort to mitigate the spread of COVID-19 by avoiding meetings that bring people in a group setting, and in accordance with the Texas Governor's Declaration of Disaster enacted March 13, 2020 and subsequently renewed monthly, the City of Wharton City Council was participating remotely in compliance with the Texas Open Meetings Act, as temporarily modified by Governor Abbott.

City Manager Garza gave the following statement:

Members of the public may participate by joining via Zoom, at the link provided on the agenda posted at the City of Wharton Website and instructions including how to access the meeting, using Zoom or telephonically, were posted on the City of Wharton's website at www.cityofwharton.com.

City Manager Andres Garza, Jr. would be the host for the City Council Meeting on the 27th day of July, 2020 and Zoom Teleconferencing software was being utilized for the electronic meeting. All members of the City Council have the ability to communicate during the meeting through the platform, and the public had access to listen.

All attendees must remember that it was a requirement of the Texas Open Meetings Act that, in order to lawfully participate in a teleconference, your camera must be engaged at all times, even if you step away from your computer.

The City Council should refrain from using the chat function, unless they are experiencing technical difficulties and it was necessary to send a message to the City staff, or if they need to indicate that they would like to make a comment or ask a question, and cannot otherwise signify their intent to the Mayor. Any chat messages sent would be recorded.

All votes taken during this meeting would be done by a show of hands, with a roll call vote to be taken, if necessary. Should the meeting be interrupted by technical difficulties, it will be restarted as soon as technical difficulties are resolved.

Public Comments. Mayor Pro-Tem Don Mueller called for Public Comments. City Secretary Paula Favors stated that if any member of the public viewing the meeting who desired to address the City Council regarding an item on the agenda for this open meeting would be allowed to do so at this time. Mrs. Favors said that if anyone desired to address the City Council, to please indicate their desire by raising their hand in the Zoom application. She said those who have raised their hand would be admitted to the meeting one at a time to make their comments to the City Council and prior to being admitted, the host for the meeting will ask – via the chat function – those who have raised their hand to identify the agenda item upon which they would like to make comment.

Mr. Steven Roberts stated that CVS had drive thru COVID-19 testing that he felt was not being done correctly since those participating in the test had to perform it on themselves.

Wharton Moment. Councilmember Russell Machann stated Mr. Justin Vaughan and his family loss their home due to a fire and they needed any assistance possible. Councilmember Machann said First Baptist Church of Wharton was taking donations to help assist the family.

The first item on the agenda was to review and consider the City of Wharton Financial Report for June 2020. Finance Director Joan Anandel presented the financial report for the month of June 2020. Mrs. Anandel stated that the TexPool balance for June was \$268,433.23 with an average monthly yield of .22%. She said the Prosperity Bank balance for June 2020 was \$8,522,454.97 with an average monthly yield of 1.510%. After some discussion, Councilmember Steve Schneider moved to approve the City of Wharton Financial Report for the month of June 2020. Councilmember Terry Freese seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution of the Wharton City Council approving an extension of the Declaration of Disaster signed on March 16, 2020 in accordance with Texas Government Code §418.108(a). City Manager Andres Garza, Jr. stated on March 16, 2020, Mayor Tim Barker signed an Emergency Declaration for Public Health Emergency in response to the Covid-19 outbreak which was declared a global Pandemic by the World Health Organization. City Manager Garza said this allowed the Mayor to perform extraordinary actions, if necessary, to protect the public and pursuant to Texas Government Code 418.108 (b) the declaration would need to be continued or renewed by City Council within 7 days

of issuance. He said this renewal was passed on March 23, 2020 and would continued until May 31, 2020 and on May 26, 2020 another renewal was passed and was extended until July 31, 2020. Emergency Management Coordinator Steve Johnson stated that since the disaster continued and many of our citizens, businesses, and government continue to be affected the order to continue with the response to the pandemic the recommended that the declaration be extended. Mr. Johnson said it was his recommendation that the declaration be extended until September 30, 2020 unless rescinded earlier. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-69, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-69**

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

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

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

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

WHEREAS, This was passed on May 26, 2020 and will continue until July 31, 2020.; and,

WHEREAS, To continue with the response to this pandemic the declaration will be extended until September 30, 2020 or rescinded earlier.

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

Section I. That a local state of disaster has been declared for the City of Wharton pursuant to Code §418.108(a) of the Texas Government Code.

Section II. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue until September 30, 2020 from the date of this declaration unless rescinded earlier.

Section III. This declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary, pursuant to section 418.108(c) of the Government Code.

Section IV. The declaration of a local state of disaster activates the City of Wharton, Texas Emergency Management Plan and activates all other charter, statutory, and ordinance powers vested in me and all officers of the City of Wharton to act for the purposes stated, pursuant to section 418.108(d) of the Government Code.

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

Passed, Approved, and Adopted this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The third item on the agenda was to review and consider a request from Mr. Michael Ricarte, 123 Mahan St., Vineyard Plaza 2, Block 2, Lot 14 for a front property line setback variance of 20' from the required 25' setback and a side property line setback variance of 1' from the required 5' setback for the construction of a carport. City Manager Andres Garza, Jr. presented a copy of the request from Mr. Michael Ricarte, 123 Mahan St., Vineyard Plaza 2, Block 2, Lot 14 for a front property line setback variance of 20' from the required 25' setback and a side property line setback variance of 1' from the required 5' setback for the construction of a carport. Community Development Director Gwyn Teves stated the Planning Commission met on July 20, 2020 and voted to recommend the City Council consider approving the request. After some discussion, Councilmember Alice Heard-Robert moved to approve the request from Mr. Michael Ricarte, 123 Mahan St., Vineyard Plaza 2, Block 2, Lot 14 for a front property line setback variance of 20' from the required 25' setback and a side property line setback variance of 1' from the required 5' setback for the construction of a carport. Councilmember Terry Freese seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from the Wharton County Recovery Team on behalf of Ms. Mamie Hayes, 902 W. Caney St., Wharton, Block 61, Lots 16B, 16C and 16F for a front property line setback variance of 4' from the required 25' setback and a side property line setback variance of 4' from the required 15' setback for the construction of a medically necessary accessible ramp. City Manager Andres Garza, Jr. presented a copy of the request from the Wharton County Recovery Team on behalf of Ms. Mamie Hayes, 902 W. Caney St., Wharton, Block 61, Lots 16B, 16C and 16F for a front property line setback variance of 4'

from the required 25' setback and a side property line setback variance of 4' from the required 15' setback for the construction of a medically necessary accessible ramp. Community Development Director Gwyn Teves stated the Planning Commission met on July 20, 2020 and voted to recommend the City Council consider approving the request. After some discussion, Councilmember Terry Freese moved to approve the request from the Wharton County Recovery Team on behalf of Ms. Mamie Hayes, 902 W. Caney St., Wharton, Block 61, Lots 16B, 16C and 16F for a front property line setback variance of 4' from the required 25' setback and a side property line setback variance of 4' from the required 15' setback for the construction of a medically necessary accessible ramp. Councilmember Russell Machann seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Ms. Jenna Blinn with Bleyl Engineering for a variance as it pertains to review comments received on the height and width of the on-site detention berm and height of freeboard for the Berkeley Eye Center at 1602 Fulton Street, Wharton, Texas. City Manager Andres Garza, Jr. presented a copy of a request from Ms. Jenna Blinn with Bleyl Engineering for a variance as it pertains to review comments received on the height and width of the on-site detention berm and height of freeboard for the proposed Berkeley Eye Center development at 1602 Fulton Street, Wharton, Texas. Community Development Director Gwyn Teves stated the Civil Plans had been reviewed by Jones & Carter Engineering as well as the requested variances. Mrs. Teves said the recommendation of Jones & Carter was for the City Council to consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request from Ms. Jenna Blinn with Bleyl Engineering for a variance as it pertains to review comments received on the height and width of the on-site detention berm and height of freeboard for the Berkeley Eye Center at 1602 Fulton Street, Wharton, Texas. Councilmember Terry Freese seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for City of Wharton assistance by approving the following for the Party Under the Bridge to be held Thursday, October 15, 2020:

- A. Closing to traffic from 4 pm to 8 pm a portion Colorado Street from Dinosaur Park to underneath the southbound lane of Business 59.
- B. Closing to traffic from 4 pm to 8 pm the U-shaped access road from the south side of the Dinosaur parking lot to Colorado Street.
- C. Traffic control as needed.
- D. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
- E. Trash cans, and if possible, clean up assistance.
- F. Labor and Logistics to pick up, set up and return rented tables and chairs from Simply Devine Event Center.
- G. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.

City Manager Andres Garza, Jr. presented a copy of a letter dated July 21, 2020 from Wharton Chamber of Commerce Executive Director Ron Sanders regarding the Party Under the Bridge. City Manager Garza stated the event would be held on Thursday, October 15, 2020 from 5:00 p.m. to 8:00 p.m. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for City of Wharton assistance by approving the following for the Party Under the Bridge to be held Thursday, October 15, 2020 with afore mentioned items A. through G. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a one-year extension for the City of Wharton Bank Depository Services and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. stated that on August 22, 2016, the City Council approved a bank depository contract with Prosperity Bank for a three-year period beginning October 1, 2016 and ending September 30, 2019 with an additional one-year extension not to exceed two additional years. City Manager Garza presented a copy of a memorandum from Finance Director Joan Anandel regarding a letter from Prosperity Bank requesting the City to extend the agreement for an additional year. Finance Director Joan Anandel the City Council Finance Committee met on Monday, July 27, 2020 and were recommending the City Council consider approving the request. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-70, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-70**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A ONE YEAR EXTENSION FOR THE CITY OF WHARTON BANK DEPOSITORY SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, On August 22, 2016, the City of Wharton awarded a contract to Prosperity Bank for Depository Services for a three year period to include two one year extensions; and,

WHEREAS, The Wharton City Council wishes to approve the second one year extension with Prosperity Bank in accordance with the contract; and,

WHEREAS, The City of Wharton and Prosperity Bank wishes to be bound by the conditions as set forth in the agreement; and,

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

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

- Section I.** That the Wharton City Council hereby approves the second one year extension of Depository Services in accordance with the agreement between the City of Wharton and Prosperity Bank
- Section II.** That the Wharton City Council wishes to authorize the Mayor of the City of Wharton, Texas to execute all documents related to said contract.
- Section III.** That Prosperity Bank and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 27th day of July, 2020.

CITY OF WHARTON

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council of the City of Wharton designating authorized signatories for contractual documents and documents for requesting funds pertaining to the Community Development Block Grant-Disaster Recovery Program (CDBG-DR) Contract Number 20-066-005-C034. City Manager Andres Garza, Jr. stated that on October 10, 2018, Mayor Barker was notified that the City had been awarded Community Development Block Grant - Disaster Recovery (CDBG-DR) funds for Hurricane Harvey under the method of distribution created by HGAC, as follows:

- Buyouts - \$1,693,784.00

Community Development Director Gwyn Teves stated the City Council approved Resolution 2020-19 authorizing signatories for the funding. Mrs. Teves stated the GLO had since requested new more detailed wording to be included in a resolution for signatories. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2020-71, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2020-71

A RESOLUTION OF THE WHARTON CITY COUNCIL OF THE CITY OF WHARTON DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY PROGRAM (CDBG-DR) CONTRACT NUMBER 20-066-005-C034.

WHEREAS, The City of Wharton has received a CDBG-DR funded allocation under the GLO's Local Buyout and Acquisition and has used the allocation to create the Wharton CDBG-DR Buyout Program; and,

WHEREAS, It is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office; and,

WHEREAS, An original signed copy of the CDBG-DR Depository/Authorized Signatories Designation Form 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 GLO 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 CDBG-DR *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WHARTON, TEXAS, AS FOLLOWS:

SECTION I: The Mayor be authorized to execute contractual documents between the Texas General Land Office and the City for the Hurricane Harvey CDBG-DR Local Buyout and Acquisition Program allocation.

SECTION II: The Mayor, City Manager, and Finance Director be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Hurricane Harvey – Buyout/Acquisition Community Development Block Grant Disaster Recovery Program.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 27th day of July 2020.

CITY OF WHARTON

By: _____

DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving an architectural services agreement between the City of Wharton and Stern & Bucek Architects for the Guffey Park Pavilion Improvement 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 Staff was requesting to proceed with a proposal received from David Bucek of Sterns and Bucek Architects for Architectural, Structural and Civil Engineering for a new covered pavilion and public restrooms at Guffey Park. City Manager Garza said that there had been numerous events held at the Guffey Park location and most recently was home to the Food Truck Mondays and the Wharton Farmers Market. Community Development Director Gwyn Teves stated it was the intention of the staff to create a covered pavilion area and provide public restrooms to be utilized for future downtown events and festivals. Mrs. Teves said the City staff would like to move forward with the proposal for the planning portion to be funded in the current fiscal year's Park Budget and would look at construction in coming year's budget. She said that the design would possibly include multiple phased portions that could be implemented or built upon over future years and the funding for the project would come from the Wharton Economic Development Corporation's (WEDC) allocation for the current and 2020-2021 funds. Mrs. Teves stated that the Parks and Recreation Committee met on July 27, 2020 and were recommending the City Council consider approving the request. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-72, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-72**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ARCHITECTURAL SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND STERN & BUCEK ARCHITECTS FOR THE GUFFEY PARK PAVILION IMPROVEMENT 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 Stern & Bucek Architects to provide professional services in connection with said project; and,

WHEREAS, Stern & Bucek Architects wishes to provide said services for the Guffey Park Pavilion Improvement Project; and,

WHEREAS, The City of Wharton and Stern & Bucek Architects wishes to be bound by the conditions of said professional services agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional services agreement with Stern & Bucek Architects for the Guffey Park Pavilion Improvement Project.

Section II. The City of Wharton and Stern & Bucek Architects are hereby bound by the conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda to review and consider was a resolution of the Wharton City Council declaring certain City of Wharton Properties as surplus properties and to place said properties for sale. City Manager Andres Garza, Jr. stated the City staff had been contacted in reference to a parcel of property that was currently owned by the City of Wharton. City Manager Garza said the property was not being utilized by the City and could be better utilized by an interested party. Community Development Director Gwyn Teves stated the property was located at 114 S. Ford St., WM.KINCHELOE, Block 63, Lot 216. Mrs. Teves said in accordance with the City of Wharton Code of Ordinances, the property must be advertised in the local newspaper for two consecutive

weeks to receive bids for the purchase of the property and then the contract of sale can be awarded to the bidder who submits the highest and best bid. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-73, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-73**

A RESOLUTION OF THE WHARTON CITY COUNCIL DECLARING CERTAIN CITY OF WHARTON PROPERTIES AS SURPLUS PROPERTIES AND TO PLACE SAID PROPERTIES FOR SAL

WHEREAS, During the July 27, 2020 City Council Finance Committee determined that there was a need to declare certain City of Wharton properties as surplus property; and,

WHEREAS, The City Council Finance Committee determined that certain properties be sold to the general public and be placed back on the tax roll for the City of Wharton; and,

WHEREAS, The properties identified to be sold as surplus real property are as follows:

R018601 114 S. Ford WM.KINCHELOE BLOCK 63 LOT 216

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 declares the afore -mentioned properties as surplus real properties.

Section II. That the Wharton City Council hereby authorizes the City Manager to obtain appraisals on these properties.

Section III. That the City Manager sell by public sealed bids the afore-mentioned properties.

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

Passed, Approved, and Adopted this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS

City Secretary

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

The eleventh item on the agenda was to review and consider the FM 1301 Extension Advance Funding Agreement and Memorandum of Understanding:

- A. Resolution: A resolution of the Wharton City Council authorizing the new Advanced Funding Agreement (CJ:1412-03-038) to a Category 11 Project (construct new location roadway) on system, generally described as Constructing the Extension of FM 1301 from SH 60 to US 59 in Wharton; between the City of Wharton and the Texas Department of Transportation and authorizing the Mayor of the City of Wharton to execute the agreement.
- B. Resolution: A resolution of the Wharton City Council approving a Memorandum of Understanding with the Texas Department of Transportation for (CJ:1412-03-038) to a Category 11 Project (construct new location roadway) on system, generally described as Constructing the Extension of FM 1301 from SH 60 to US 59 in Wharton; between the City of Wharton and the Texas Department of Transportation and authorizing the Mayor of the City of Wharton to execute the agreement.

City Manager Andres Garza, Jr. stated that on July 11, 2011, the Wharton City Council entered into a Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas. City Manager Garza said the City staff had been working with TxDOT on moving forward with the project and TxDOT was requiring a new AFA be executed with updated terms and language due to the expanse of time that had passed since the original agreement. Community Development Director Gwyn Teves stated the following modifications were in the new AFA:

- The City will have final approval on any change orders.
- The state will not be matching the funding with the original \$2.9 million in funds.
- The City must concur with the lowest bidder selection prior to a contract award.
- Total state funds to the project is estimated at \$2,286,800.

City Attorney Paul Webb said he had reviewed and were recommending that the City Council consider approving the new AFA and MOU. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-74 and 2020-75, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 - 74**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE NEW ADVANCED FUNDING AGREEMENT (CSJ:1412-03-038) TO A CATEGORY 11 PROJECT (CONSTRUCT NEW LOCATION ROADWAY) ON SYSTEM, GENERALLY

DESCRIBED AS CONSTRUCTING THE EXTENSION OF FM 1301 FROM SH 60 TO US 59 IN WHARTON; BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On July 27, 2011 the Wharton City Council entered into a Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas; and,

WHEREAS, The Wharton City Council has determined that it is in the best interest of the citizens of Wharton and those traveling through the community to conduct the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas; and,

WHEREAS, The City of Wharton and the Texas Department of Transportation has partnered together and developed an agreement to conduct said project; and,

WHEREAS, The City of Wharton and the Texas Department of Transportation wishes to enter into the Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas; and,

WHEREAS, The City of Wharton and the Texas Department of Transportation wishes to be bound by the conditions set forth in said agreement; and,

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

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

Section I. The Wharton City Council hereby approves the Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas.

Section II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas.

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

PASSED, APPROVED AND ADOPTED this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-75**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR (CSJ:1412-03-038) TO A CATEGORY 11 PROJECT (CONSTRUCT NEW LOCATION ROADWAY) ON SYSTEM, GENERALLY DESCRIBED AS CONSTRUCTING THE EXTENSION OF FM 1301 FROM SH 60 TO US 59 IN WHARTON; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS.

WHEREAS, On July 27, 2011 the Wharton City Council entered into a Local Transportation Project Advance Funding Agreement to a Category 11 Project (Construct New Location Roadway) On System for the construction of the extension of FM 1301 from SH 60 to US 59 to in Wharton, Texas; and,

WHEREAS, The City of Wharton and the Texas Department of Transportation has partnered together and developed a memorandum of understanding for said project; and,

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

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 Memorandum of Understanding with The Texas Department of Transportation.

Section II. The City of Wharton and The Texas Department of Transportation. are hereby bound by the conditions as set forth in the memorandum of understanding.

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

Passed, Approved, and Adopted this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary
Councilmember Steve Schneider seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider the proposed Coronavirus Relief Fund Expenditures from the CARES Act Funding. 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 CARES Act. City Manager Garza said the disbursement of funds was handled through TDEM and the City of Wharton was allocated up to \$474,870.00 in which the first 20% of the allocation was advanced to the City. Community Development Director Gwyn Teves stated the funds were tied to COVID 19 expenditures incurred due to the medical health emergency and 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 following expenditures had been identified by the City Staff for potential funding under the CRF funding allocated to the City during the state of emergency:

Testing:

Citywide testing to be provided by OakBend Medical \$100,000

Wharton EMS Department:

Laptop for Telework	\$1,361
Disinfection Lamps for 5 Ambulances	\$23,784
Portable Handheld Radios (10)	\$32,734
Video Laryngoscopes (6)	\$15,526
Power Load System	\$22,111
4th Ambulance Crew Personnel	\$52,400

Wharton Police Department:

Covid Response Personnel 12 hr. shift (till Dec. 30) \$69,062

Or

Covid Response Personnel 24 hr. shift (till Dec. 30) \$138,125

Code Enforcement:

Incode Contactless Permitting/Inspections \$2,300

Fire Inspection Contactless Inspections \$2,425

iPad (3) for Contactless inspection implementation \$2,100

Wharton Fire Department:

Portable Handheld Radios (10) \$41,738

Human Resources Department:

Contactless Personnel Software \$11,000

Community Development:

Masks for Businesses \$2,800

Handsfree Sanitizing stations and sanitizer for businesses \$28,000

Zoom Teleconferencing Software \$2,500

Utilities/Finance:

Laptops for Telework (2) \$2,700

Civic Center:

Handsfree Sanitizing stations and sanitizer \$2,500

Misc:

Approximate funds expended on personnel and response to date \$80,000

After some discussion, Councilmember Terry Freese moved to approve the proposed Coronavirus Relief Fund Expenditures from the CARES Act Funding as presented. Councilmember Russell Machann seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a pay request from Aftermath Structural Repair, LLC for the emergency repairs to the Santa Fe Drainage Channel Outfall. City Manager Andres Garza, Jr. presented a copy of the pay request from Aftermath Structural Repair, LLC for the emergency repairs to the Santa Fe Drainage Channel Outfall in the amount of \$49,875.00. Community Development Director Gwyn Teves stated that repairs had been completed and it was recommended that the City Council consider approving the pay request. After some discussion, Councilmember Russell Machann moved to approve the pay request from

Aftermath Structural Repair, LLC for emergency repairs to the Santa Fe Drainage Channel Outfall in the amount of \$49,875.00. Councilmember Alice Heard-Roberts 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 approving the purchase of Human Resource Management Software through BambooHR for contactless Human Resource Management. City Manager Andres Garza, Jr. stated the City of Wharton's employee roster had grown over the years and a need for better management of the 150 employees had become evident. City Secretary Paula Favors stated that due to COVID-19, the Human Resource Department had seen a need to helping to assist all employees with their payroll, health and benefits needs but to also make the process as contactless as possible. Mrs. Favors said that she was proposing the use of a Human Resource Software that would allow contactless assistance and 24-hour access for employee access to their records, employee directory, organizational chart, training tract and more. City Manager Garza stated the City of Wharton had received funding through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for COVID-19 expenditures and the City Staff believed this purchase would be qualified under the CARES Act. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-76, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-76**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF HUMAN RESOURCE MANAGEMENT SOFTWARE THROUGH BAMBOOHR FOR CONTACTLESS HUMAN RESOURCE MANAGEMENT.

WHEREAS, The City of Wharton's employee footprint has grown significantly in the past years and there is a need for contactless human resource management with COVID-19; and,

WHEREAS, The need for additional health safety measures have been identified and there is a need for upgrades to be implemented to protect the health and safety of the City of Wharton employees with this technology; and,

WHEREAS, The Wharton City Council wishes to purchase the needed Human Resource Management software from BambooHR in the amount of \$12,873.93, which is the monthly cost of \$8.25 per employee (150 employees) and installation and setup at approximately a cost of \$2,721.93.

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

Section I. The City of Wharton recognizes the need for upgrades to the Human Resource Management system.

Section II. The Wharton City Council hereby authorizes the purchase of the needed Human Resource Management Software through BambooHR in the amount of \$12,873.93, which is a monthly cost of \$8.25 per employee (150 employees) and installation and setup at approximately a cost of \$2,721.93.

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

Passed, Approved, and Adopted this 27th day of July 2020.

CITY OF WHARTON, TEXAS

By: _____
DON MUELLER
Mayor Pro-Tem

ATTEST:

PAULA FAVORS
City Secretary

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

The fifteenth item on the agenda was to review and consider an update of City of Wharton Grant Programs. City Manager Andres Garza, Jr. presented a copy of a memorandum dated July 22, 2020, from Community Development Director, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The sixteenth 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 July 21, 2020 providing an update on the City of Wharton current projects as of June 30, 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 and installing additional storm sewer lines across the street to convey water to the Santa Fe Drainage Channel.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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 planning process for the 2020 Street Improvement Project. The FEMA streets were re-bid and a contract was awarded for that phase and construction has been completed. The 2020 City Street Improvement Project Program has been approved by the City Council and implementation of the program has begun.

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. City Manager Andres Garza, Jr. presented the City of Wharton Boards, Commissions and Committees that needed positions filled. Assistant to the City Manager Brandi Jimenez stated there were not any resignations. After some discussion, no action was taken.

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

- A. Finance Committee Meeting held July 13, 2020.

After some discussion, no action was taken.

The nineteenth 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 twentieth item on the agenda was Executive Session:

City Council may adjourn into an Executive Session in accordance with Sections 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.

Councilmember Russell Machann moved to table the Executive Session until all members were able to meet in person. Councilmember Terry Freese seconded the motion. Councilmembers Alice Heard-Roberts and Clifford Jackson voted against the motion. Mayor Pro-Tem Don Mueller and Councilmembers Russell Machann and Terry Freese voted in favor of the motion. The motion carried.

The twenty-first item on the agenda was to Return to Open Session:

Action on items discussed in Executive Session:

A. City Managers Evaluation.

After some discussion, no action was taken.

Adjournment. There being no further discussion, Councilmember Russell Machann moved to adjourn. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 8:10 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

