

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
OCTOBER 26, 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. Mr. Sherrell Speer 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 Anandel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez and Community Development Director Gwyn Teves.

Visitors present were: Steven L. Roberts, Sherrell Speer, Faye Watson, Curtis W. Evans, Sandy Sanders, Patrick Duffy with Red-Tailed Hawk Solar Project, Lisa Murphy with Red-Tailed Hawk Solar Project, Albert Villegas with the Wharton Journal Spectator, Ron Sanders, Executive Director of the Wharton Chamber of Commerce and Natalie Frels-Busby with The County Gin.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Barker called for Public Comments.

1. Mr. Mike Gomez stated he was attending the meeting to hear the presentation regarding the Red-Tailed Hawk Solar Project.
2. Mr. Steve Roberts thanked City Manager Andres Garza, Jr. for his years of service to the City of Wharton and all that he has done for the community.

The first item on the agenda was to review and consider the City of Wharton Financial Report for September 2020. Finance Director Joan Anandel presented the financial report for the month of September 2020. Mrs. Anandel stated that the TexPool balance for September was \$201,927.06 with an average monthly yield of .15%. She said the Prosperity Bank balance for September 2020 was \$7,201,087.69 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 September 2020. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a presentation from Ms. Lisa Murphy on the Red-Tailed Hawk Solar Project. Ms. Murphy gave a presentation to the City Council on the Tailed Hawk Solar Project that was planned to be constructed on the Pierce Ranch. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request by Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2020 Holiday Parade Chairman, for the Wharton Holiday Parade for the following:

- A. Ordinance: An ordinance approving the 2020 Chamber of Commerce & Agriculture Holiday Parade Permit and authorizing the Wharton Police Department to redirect traffic.
- B. The closure of the 100 Block of South Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare it as a "No Parking Zone".
- C. City of Wharton to provide five (5) portable lights for use during the parade.

City Manager Andres Garza, Jr. presented a copy of a request from Mr. Jeff Rainer, Wharton Chamber of Commerce & Agriculture 2020 Holiday Parade Chairman, for the Wharton Holiday Parade. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2020-19, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020-19**

AN ORDINANCE APPROVING THE 2020 CHAMBER OF COMMERCE & AGRICULTURE HOLIDAY PARADE PERMIT AND AUTHORIZING THE POLICE DEPARTMENT TO REDIRECT TRAFFIC.

WHEREAS, The Wharton Chamber of Commerce and Agriculture has filed an application for a parade permit with the City of Wharton Police Department as required under the City of Wharton Code of Ordinances, Chapter 82, Article III, Sec. 82-91; and,

WHEREAS, The requested parade route requires the City of Wharton to close State Highway 60 (Burlson Street and Milam Street) from its intersection with Alabama Road and Polk Street and the 100 Block of South Fulton Street and South Houston Street from 5:00 p.m. to 9:00 p.m. and declare a "no parking zone" for such; and,

WHEREAS, The closure of State Highway 60 will be for a time of less than four (4) hours; and,

WHEREAS, The closure will require the detouring of all traffic according to the map (Attachment A) attached to this ordinance; and,

WHEREAS, The routing of all traffic will include truck traffic to Alabama Road which is prohibited by ordinance; and,

WHEREAS, The City Council wishes to suspend for the duration of the parade the enforcement of said ordinance of trucks traveling on Alabama Road; and,

WHEREAS, If there are any other ordinances that would be violated because of the re-routing of all traffic their suspension is hereby authorized.

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

Section I. The parade permit for the Wharton Chamber of Commerce and Agriculture is hereby approved.

Section II. The parade route is hereby approved as detailed in the attached map (Attachment A) which is hereby made part of this ordinance.

Section III. The closure of all streets as indicated in said map identified in Section II are hereby authorized.

Section IV. The traffic detour plan as identified in Section III above is hereby approved.

Section V. The Chief of Police and City Staff are hereby authorized to make the necessary expenditures needed to ensure the safety of the public.

Section VI. This ordinance shall become effective on the 24th day of November 2020 and remain in effect until such time that the parade concludes.

Passed, Approved and Adopted this 26th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2020 to September 30, 2021 fiscal year. City Manager Andres Garza, Jr. presented a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for the October 1, 2020 to September 30, 2021 fiscal year. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2020-113, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-113**

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2020 TO SEPTEMBER 30, 2021 FISCAL YEAR.

WHEREAS, The Wharton City Council hereby authorizes Mayor Tim Barker to execute an agreement with the Wharton Chamber of Commerce and Agriculture for visitor and convention bureau services; and,

WHEREAS, The City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees to be bound by the conditions as set forth in the agreement.

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 Tim Barker, Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2020 to September 30, 2021 fiscal year.

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

Passed, Approved, and Adopted this 26th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fifth item on the agenda was to review and consider a request by the Wharton County Recovery Team, 117 North Sheppard Street, Wm. Kincheloe, Block 63, Lot 125A for 10' side lot building line setback variance from the required 25' on the West Caney side. City Manager Andres Garza, Jr. presented a copy of a request by the Wharton County Recovery Team, 117 North Sheppard Street, Wm. Kincheloe, Block 63, Lot 125A for 10' side lot building line setback variance from the required 25' on the West Caney side. Community Development Director Gwyn Teves stated the Planning Commission met on October 19, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by the Wharton County Recovery Team, 117 North Sheppard Street, Wm. Kincheloe, Block 63, Lot 125A for 10' side lot building line setback variance from the required 25' on the West Caney side. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Stonewater, Inc., on behalf of Mr. Kermit Brown, 313 Washington Avenue, Washington Homes, Block 9, Lots 4 & 5 for the following:

- A. A variance to build over a property line.
- B. A 13' front building line setback variance from the required 25'.

City Manager Andres Garza, Jr. presented a copy of the request by Stonewater, Inc., on behalf of Mr. Kermit Brown, 313 Washington Avenue, Washington Homes, Block 9, Lots 4 & 5 for the following:

- A. A variance to build over a property line.
- B. A 13' front building line setback variance from the required 25'.

Community Development Director Gwyn Teves stated the Planning Commission met on October 19, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Alice Heard-Roberts moved to approve the request by Stonewater, Inc., on behalf of Mr. Kermit Brown, 313 Washington Avenue, Washington Homes, Block 9, Lots 4 & 5 for the following: a variance to build over a property line and a 13' front building line setback variance from the required 25'. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on agenda was to review and consider a request by Mr. Joe Sanchez, 525 Circle Drive, Park, Lot 34 for a front property line setback variance of 11' to place a 14' x 19' foot carport. City Manager Andres Garza, Jr. presented a copy of the request by Mr. Joe Sanchez, 525

Circle Drive, Park, Lot 34 for a front property line setback variance of 11' to place a 14' x 19' foot carport. Community Development Director Gwyn Teves stated the Planning Commission met on October 19, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve a request by Mr. Joe Sanchez, 525 Circle Drive, Park, Lot 34 for a front property line setback variance of 11' to place a 14' x 19' foot carport. Councilmember Terry Freese seconded the motion. All voted in favor.

The eighth item on the agenda was review and consider the Coronavirus Aid, Relief and Economic Security Act:

- A. Update on Obligated Funds.
- B. Resolution: A resolution of the Wharton City Council authorizing the establishment of one (1) or more programs for the expenditure of funds from the Texas Department of Emergency Management Coronavirus Relief Fund and authorizing the Mayor of the City of Wharton to execute all documents related to said program.

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 with the first 20% of the allocation advanced to the City. He said the funds were tied to COVID-19 expenditures incurred due to the medical health emergency. Finance Director Joan Anandel stated the funding was available for reimbursement up to the max amount and for the period of March 1, 2020 through December 30, 2020. City Manager Garza presented a copy of the current CRF fund budget, expenditure list and a draft resolution for implementation of the assistance program(s) utilizing the unexpended funds left from the cancellation of the OakBend contract. Mrs. Anandel stated the Finance Committee met on October 26, 2020 and was recommending the purchase of a Lucas Device for the Wharton EMS Department, the completion of the contactless buildout of City Hall and salary and benefits for the Police Department from March 2020 through December 31, 2020. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-114, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-114**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE ESTABLISHMENT OF ONE (1) OR MORE PROGRAMS FOR THE EXPENDITURE OF FUNDS FROM THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT CORONAVIRUS RELIEF FUND AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PROGRAM.

WHEREAS, The City of Wharton City Council wishes to authorize the establishment of one (1) or more relief programs for the expenditure of funds from the Texas Department of Emergency Management Coronavirus Relief Fund in the amount of \$40,000.00; and,

WHEREAS, The Wharton City Council hereby establishes the use the funds for the following:

1. Lucas Device.
2. Police Department Salary and Benefits.
3. Completion of Contactless Area in City Hall; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said program(s).

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

SECTION I. The Wharton City Council hereby authorizes the establishment of one (1) or more relief programs for the expenditure of funds from the Texas Department of Emergency Management Coronavirus Relief Fund in the amount of \$40,000.00.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said program(s).

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

PASSED, APPROVED, and ADOPTED this 26th day of October 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on agenda was to review and consider an update of City of Wharton Grant Programs. Community Development Director Gwyn Teves presented an update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager Andres Garza, Jr.'s presented a copy of his memorandum dated October 21, 2020 to the City Council providing an update on the City of Wharton current projects as of September 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. The project is listed as one to be funded with the Texas Water Development Board (TWDB) Program for partial assistance.

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 September.

2. 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 second quarter of 2021 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 under the State Infrastructure Bank (SIB) Program.

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 October 2020.

After some discussion, no action was taken.

The eleventh 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 accept the resignation of I.O. Coleman, Jr. from the Planning Commission. Councilmember Clifford Jackson seconded the motion. All voted in favor.

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

- A. Wharton Economic Development Corporation Meeting held September 21, 2020.
- B. Wharton Economic Development Corporation Strategic Planning Meeting held September 21, 2020.
- C. Wharton Economic Development Corporation Public Hearing held September 21, 2020.
- D. Public Works Committee Meeting held October 12, 2020.
- E. Finance Committee Meeting held October 12, 2020.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the 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 fourteenth 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. Acquisition of Real Property- Wharton Flood Reduction Project-Levee.
- B. Acquisition of Real Property-FM 1301 and Railroad Overpass Project.
- C. Acquisition of Real Property-CDBG-DR Infrastructure/Buyout Projects.
- D. Deliberation of Appointment of City Manager.

Mayor Tim Barker moved the meeting into Closed Session at 7:32 p.m.

The fifteenth item on the agenda was Return to Open Session:

Action on items discussed in Executive Session:

- A. Acquisition of Real Property- Wharton Flood Reduction Project-Levee.
- B. Acquisition of Real Property-FM 1301 and Railroad Overpass Project.
- C. Acquisition of Real Property-CDBG-DR Infrastructure/Buyout Programs.
- D. Deliberation of Appointment of City Manager.

Mayor Tim Barker returned the meeting to Open Session at 8:35 p.m. Mayor Barker stated information only was received.

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 8:35 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

