

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL SPECIAL MEETING  
SEPTEMBER 30, 2019**

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 led the pledge of allegiance.

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

Councilmember absent was: Clifford Jackson.

Staff members present were: City Manager Andres Garza, Jr, City Attorney Paul Webb, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves and Public Works Director John Plaia.

Visitors present were: Doris Huddleston, Duria Jackson and Bradley C. Loehr, P.E. with BEFCO Engineering, Inc.

**Roll Call and Excused Absences.**

After some discussion, Councilmember Russell Machann moved to excuse Councilmember Clifford Jackson. Councilmember Terry Freese seconded the motion. All voted in favor.

**Public Comments.**

No comments were given.

**Wharton Moment.**

Mayor Tim Barker wished Councilmember Terry Freese and Councilmember Steve Schneider a happy birthday and stated the Wharton Rotary Gala was a successful event raising over \$50 thousand dollars. Councilmember Steve Schneider congratulated the Wharton Varsity Football team on their win.

The first item on the agenda was to review and consider an ordinance adopting the fiscal year 2019-2020 Annual Budget for the City of Wharton, Texas; appropriating the sums established therein; and directing the City Secretary to file copies as required by law. City Manager Andres Garza, Jr stated that during the regular City Council meeting held on August 26, 2019, he presented under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2019 to September 30, 2020. City Manager Garza said that during the regular City

Council meetings held September 9, 2019 and September 23, 2019 the City Council held public hearings to receive public input regarding City of Wharton Annual Budget for Fiscal year 2019–2020. After some discussion, Councilmember Steve Schneider moved to approve City of Wharton Ordinance No. 2019-27, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2019-27**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2019-2020 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.**

**WHEREAS**, the City’s budget for the fiscal year ending September 30, 2020, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2019; and,

**WHEREAS**, a public hearing was duly called and held on said budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current fiscal year; and,

**WHEREAS**, all parties desiring to participate and be heard at said public hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said budget with such changes being attached hereto, as aforesaid

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

**Section 1.**     **THAT** the findings set out in the preamble of this ordinance are true and correct.

**Section 2.**     **THAT** the budget of the City of Wharton, Texas for the fiscal year ending September 30, 2020, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

**Section 3.**     **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$4,513,345 estimated revenues and \$6,281,962 in appropriations and with transfers-in approved at \$1,768,617. The amounts are specified for departmental purposes named in said budget and they are hereby appropriated to and for such purposes at the departmental level.

**Section 4.** **THAT**, the PEG (Public, Educational, Government television access) fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$6,000 in estimated revenues and \$6,000 in appropriations.

**Section 5.** **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by city ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$ 295,600 in estimated revenues and \$295,600 in appropriations which includes transfers-out approved at \$205,600 with beginning fund balance of approximately \$127,481.

**Section 6.** **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$11,750 estimated revenues, \$11,750 appropriations with beginning fund balance of approximately \$38,667.

**Section 7.** **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$1,603,170 in estimated revenues and \$1,571,171 in appropriations. The estimated beginning fund balance is \$381,391.

**Section 8.** **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$130,000 in estimated revenues and expenses.

**Section 9.** **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$4,428,161 in estimated revenues. Water and sewer is approved with \$4,428,161 in appropriations, which includes a franchise fee of water and sewer sales of approximately \$345,412, and transfers-out approved at \$971,845.

**Section 11.** **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with 1,539,865 in estimated revenues and \$1,539,865 in appropriations which includes a franchise fee of 5.3% of solid waste revenues or approximately \$81,911, and transfers-out approved at \$30,000.

**Section 12.** **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$2,290,812 in estimated revenues and \$2,290,812 in appropriations and includes transfers-out at \$125,352.

**Section 13.** THAT the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$289,448 in estimated revenues and \$289,448 in appropriations. Transfers-in are approved at \$200,600.

**Section 14.** THAT the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$313,716 in estimated revenues and \$313,716 in appropriations.

**Section 15.** THAT the City Secretary shall file copies of this Ordinance and of such budget with the County Clerk of Wharton County, Texas.

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in council meeting, this 30th day of September 2019 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted	Yes
Clifford Jackson, Councilmember District 1	Voted	Absent
Steven Schneider, Councilmember District 2	Voted	Yes
Terry Freese, Councilmember District 3	Voted	Yes
Donald Mueller, Councilmember District 4	Voted	Yes
Russell Machann, Councilmember at Large Place 5	Voted	Yes
Alice Heard - Roberts, Councilmember at Large Place 6	Voted	Yes

**Separability**

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

**CITY OF WHARTON**

By: \_\_\_\_\_

Tim Barker., Mayor

**ATTEST:**

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Paula Favors, City Secretary

\_\_\_\_\_  
Andres Garza, Jr., City Manager

**APPROVED AS TO FORM:**

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Paul Webb, City Attorney

\_\_\_\_\_  
Joan Anandel, Finance Director

Councilmember Terry Freese seconded the motion. Mayor Tim Barker, Councilmembers Steve Schneider, Terry Freese, Don Mueller, Russell Machann and Alice Heard-Roberts voted in favor. Councilmember Clifford Jackson was absent. The motion carried.

The second item on the agenda was to review and consider an ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2019; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. City Manager Andres Garza, Jr. presented a draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2019; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember Alice Heard-Roberts moved the property tax rate be increased by the adoption of a tax rate of \$0.44535 which was effectively a 16.6% increase in the tax rate and City of Wharton Ordinance No. 2019-26, which read and follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2019-26**

**AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2019; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:**

**Section 1.** THAT there be and is hereby levied for the year 2019 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2019, except so much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

Maintenance and Operations                      .091370/\$100 valuation

For Debt Service Requirements	.35398/\$100 valuation
Total Tax Rate	.44535/\$100 valuation

**Section2.** THAT the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

### Passage and Approval

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a council meeting, this 30th day of September, 2019, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	Voted
Clifford Jackson., Councilmember District 1	Voted
Steven Schneider., Councilmember District 2	Voted
Terry Freese, Councilmember District 3	Voted
Donald Mueller, Councilmember District 4	Voted
Russell Machann., Councilmember at Large Place 5	Voted
Alice Heard-Roberts, Councilmember at Large Place 6	Voted

### Separability

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

**CITY OF WHARTON**

By: \_\_\_\_\_  
Tim Barker, Mayor

**ATTEST:**

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Paula Favors, City Secretary

\_\_\_\_\_  
Andres Garza, Jr., City Manager

**APPROVED AS TO FORM:**

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Paul Webb, City Attorney

\_\_\_\_\_  
Joan Andel, Finance Director

Councilmember Terry Freese seconded the motion. Mayor Tim Barker, Councilmembers Steve Schneider, Terry Freese, Don Mueller, Russell Machann and Alice Heard-Roberts voted in favor. Councilmember Clifford Jackson was absent. The motion carried.

The third item on the agenda was to review and consider City of Wharton Annexation:

Ordinance: An ordinance annexing the hereinafter described territory, in Wharton County, Texas: A certain 115.25 acre tract of land in the George Singleton Survey, Abstract 58, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, and being an approximate 1000-foot wide strip of land along U.S. Highway 59 extending northerly from the northern existing City Limits of the City of Wharton, with all bearings based upon a portion of the westerly right-of-way line of U. S. Highway 59 as being North 18 degrees 04 minutes 55 seconds East (called North 18 degrees 04 minutes 55 seconds East) in Wharton County, Texas as described in the metes and bounds attached hereto as Exhibit "A"; to the City of Wharton, Wharton County, Texas, and extending the boundary limits

of said City so to include said hereinafter described property within said City Limits, and granting to all inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

City Manager Andres Garza, Jr. presented a copy of the draft ordinance and map for the City of Wharton Annexation as listed above. City Secretary Paula Favors stated the required public hearings and procedures had been completed. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2019-25, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2019-25**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 115.25 ACRE TRACT OF LAND IN THE GEORGE SINGLETON SURVEY, ABSTRACT 58, AND THE WILLIAM KINCHELOE SURVEY, ABSTRACT 38, WHARTON COUNTY, TEXAS, AND BEING AN APPROXIMATE 1000-FOOT WIDE STRIP OF LAND ALONG U.S. HIGHWAY 59 EXTENDING NORTHERLY FROM THE NORTHERN EXISTING CITY LIMITS OF THE CITY OF WHARTON, WITH ALL BEARINGS BASED UPON A PORTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59 AS BEING NORTH 18 DEGREES 04 MINUTES 55 SECONDS EAST (CALLED NORTH 18 DEGREES 04 MINUTES 55 SECONDS EAST) IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.**

**WHEREAS,** Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and,

**WHEREAS,** the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit "A" attached hereto.

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

**Section I.** That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in

the attached Exhibit "A," within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

**Section II.** A service plan for the area is adopted and attached as Exhibit "B."

**Section III.** The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

**Section IV.** This ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Wharton, Texas, on the 30<sup>th</sup> day of September 2019.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
City Attorney

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

The fourth item on the agenda was to review and consider City of Wharton Annexations:

A. Resolution: A resolution setting a date, time and place for a Public Hearing on the proposed annexation of certain property by the City of Wharton, Texas and authorizing and direction the City Secretary to publish notice of such public hearing.

City Manager Andres Garza, Jr. presented a draft resolution for setting a date, time and place for a Public Hearing on the proposed annexation of the certain property. City Secretary Paula Favors stated it was her recommendation that the Public Hearings be held on Monday, November 4, 2019 and Monday, November 18, 2019 at 7 p.m. at the Wharton City Hall.

B. Resolution: A resolution of the Wharton City Council authorizing the acceptance of Chapter 43 Texas Local Government Code Development Agreement for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for annexation and setting a deadline:

An annexation measured from the southwestern corner of the intersection of US 59 and FM 1161 consisting of a 14.508 acre tract and the TxDOT right of way of US 59 and including approximately 10 acres at the northwest corner of the 380 acre property southeast of US 59 and FM 1161. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-25 and north of Ponderosa Road. The Northernmost line of the annexation is 1,200 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-25 and south of FM 1161. To include any adjacent areas which will be considered by the Wharton City Council for annexation into the City of Wharton's corporate City limits.

City Manager Andres Garza, Jr. presented a draft resolution authorizing the acceptance of Chapter 43 Texas Local Government Code Development Agreement for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for annexation and setting a deadline. City Secretary Paula Favors stated the agreement was required by Section 43.035 of the Texas Local Government Code to offer properties that are subject to an agricultural, wildlife management, or timber ad valorem tax exemption to be offered a "development agreement" with the property owner in lieu of annexation to allow the property to retain its extraterritorial status for up to 45 years or until any type of subdivision plat or related development document is filed with the City for the property, whichever occurs first. Mrs. Favors stated she was recommending the City Council consider setting a deadline of November 8th, 2019 to accept Chapter 43 Texas Local Government Code Development Agreements from eligible landowners. After some discussion, Councilmember Steve Schneider moved to approve City of Wharton Resolution No. 2019-103 and 2019-104, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2019-103**

**A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF WHARTON, TEXAS, AND AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.**

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

**SECTION 1.** On the 4th day of November 2019, at 7:00 p.m. o'clock and on the 18<sup>th</sup> day of November 2019 at 7:00 p.m. o'clock, in the City Council Chambers of the City Hall 120 East Caney Street of the City of Wharton, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Wharton, Texas of the following described property, to-wit:

An annexation measured from the southwestern corner of the intersection of US 59 and FM 1161 consisting of a 14.508 acre tract and the TxDOT right of way of US 59 and including

approximately 10 acres at the northwest corner of the 380 acre property southeast of US 59 and FM 1161. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-27 and north of Ponderosa Road. The Northernmost line of the annexation is 1,200 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-27 and south of FM 1161.

**SECTION 2.** The City Secretary of the City of Wharton, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

**PASSED AND APPROVED** this the 30<sup>th</sup> day of September 2019.

**CITY OF WHARTON**

---

**TIM BARKER**  
Mayor

**ATTEST:**

---

**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2019-104**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT FOR AREAS IN THE CITY OF WHARTON'S EXTRA-TERRITORIAL JURISDICTION (ETJ) FOR ANNEXATION AND SETTING A DEADLINE:**

**An annexation measured from the southwestern corner of the intersection of US 59 and FM 1161 consisting of a 14.508 acre tract and the TxDOT right of way of US 59 and including approximately 10 acres at the northwest corner of the 380 acre property southeast of US 59 and FM 1161. The southernmost boundary line of the annexation is the northern most line of the area annexed in City of Wharton Ordinance No. 2019-27 and north of Ponderosa**

**Road. The Northernmost line of the annexation is 1,200 feet north of the northern most line of the area annexed in the City of Wharton Ordinance No. 2019-27 and south of FM 1161.**

**TO INCLUDE ANY ADJACENT AREAS WHICH WILL BE CONSIDERED BY THE WHARTON CITY COUNCIL FOR ANNEXATION INTO THE CITY OF WHARTON'S CORPORATE CITY LIMITS.**

**WHEREAS,** The Wharton City Council has the authority in accordance with the State of Texas Law to annex property into its Corporate City limits; and,

**WHEREAS,** The Wharton City Council is required by Section 43.035 of the Texas Local Government Code to offer a development agreement to property owners who are subject to agricultural, wildlife management, or timber ad valorem tax exemption.

**WHEREAS,** The Wharton City Council sets a deadline of Friday, November 8, 2019 by 5 p.m. as the final day to receive an executed agreement from eligible property owners.

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

**Section I.** The Wharton City Council wishes to approve the Chapter 43 Texas Local Government Code Development Agreement.

**Section II.** The Wharton City Council wishes to authorize the Mayor to execute any and all Chapter 43 Texas Local Government Code Development Agreement for the proposed annexation.

**Section III.** The Wharton City Council sets a deadline of Friday, November 8, 2019 by 5 p.m. as the final day to receive an executed agreement from eligible property owners.

**Passed, Approved, and Adopted** this the 30<sup>th</sup> day of September 2019.

**CITY OF WHARTON**

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 resolution of the Wharton City Council awarding a contract for the 2019 Street Project FEMA Areas and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a copy of the recommendation from Mr. Bradley Loehr, P.E. with BEFCO Engineering, Inc. and the bid tabulation for the 2019 Street Project FEMA Areas. Mr. Loehr stated the bid opening was held on Wednesday, September 17, 2019 and one bid was received from Brannan Paving Co., Ltd in the amount of \$315,592.59. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2019-98, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2019-98**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE 2019 STREET PROJECT FEMA AREAS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Bids were received for the 2019 Street Project FEMA Areas; and,

**WHEREAS,** Brannan Paving Co., Ltd was deemed the best lowest qualified bidder in the amount of \$315,592.59; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to Brannan Paving Co., Ltd for the 2019 Street Project FEMA Areas in the amount of \$315,592.59; and,

**WHEREAS,** The City of Wharton and Brannan Paving Co., Ltd wish to be bound by the conditions as set forth in the agreement; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the Mayor to execute a contract for the 2019 Street Project FEMA Areas to Brannan Paving Co., Ltd in the amount of \$315,592.59.

**Section II.** The City of Wharton and Brannan Paving Co., Ltd 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 30th day of September 2019.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**Adjournment.** There being no further discussion, Councilmember Don Mueller moved to adjourn the meeting at 7:18 p.m. Councilmember Steve Schneider seconded the motion. All voted in favor.

The meeting adjourned at 7:18 p.m.

**CITY OF WHARTON, TEXAS**

By:           *Tim Barker*            
**TIM BARKER**  
Mayor

**ATTEST:**

          *Paula Favors*            
**PAULA FAVORS**  
City Secretary

