

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
FEBRUARY 24, 2020**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Russell Machann led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

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: Chad Odom, Executive Director of Wharton Economic Development Corporation (WEDCo), Josh Owens, American Planning Association (APA) Representative, James L. Perez, Michael Limas, Duria Jackson, Jacques Hearse, Laura Clemons and Albert Villegas with the Wharton Journal Spectator.

Roll Call and Excused Absences. All Councilmembers were present.

Public Comments. Mayor Tim Barker called for Public Comments. No comments were made.

Wharton Moment. City Secretary Paula Favors stated the Wharton Municipal Court was holding an Amnesty Program for those with warrants with the court from February 24th through February 28th 2020. City Attorney Paul Webb gave his condolences to Mayor Tim Barker on the passing of his mother in law.

The first item on the agenda was to review and consider City of Wharton Financial Report for January 2020. Finance Director Joan Anandel presented the financial report for the month of January 2020. Mrs. Anandel stated that the TexPool balance for January was \$5,757,331.23 with an average monthly yield of 1.59%. She said the Prosperity Bank balance for January 2020 was \$5,004,873.90 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 January 2020. Councilmember Don Mueller seconded the motion. All voted in favor.

The second item on the agenda was to review and consider American Planning Association (APA) Report. City Manager Andres Garza, Jr. presented a memorandum to him from Councilmember Clifford Jackson regarding the American Planning Association (APA) Report. Mr. Josh Owens,

a representative for the American Planning Association (APA) presented the report that was created in conjunction with the Wharton Economic Development Corporation (WEDCo). After some discussion, Councilmember Clifford Jackson moved to approve incorporating the report into the City of Wharton's Comprehensive Plan. Councilmember Terry Freese seconded the motion. All voted in favor.

The third item on the agenda was to review and consider the CDBG-DR Hurricane Harvey Buyout and Acquisition Program:

- A. Resolution: A resolution of the Wharton City Council accepting the award of funding from the CDBG-DR Hurricane Harvey Buyout & Acquisition Program in the amount of \$1,693,784.00 and authorizing the Mayor of the City of Wharton to execute all documents related to said award.
- B. Resolution: A resolution of the Wharton City Council adopting Civil Rights Policies for the Community Development Block Grant Disaster Recovery (CDBG-DR) funding issued through the Texas General Land Office for Contract 20-066-005-C034; and authorizing the Mayor to act as the City's executive officer and authorized representative in all matter pertaining to the City's participation in the CDBG-DR Program.
- C. Resolution: A resolution of the Wharton City Council approving the establishment of a checking account for the CDBG-DR Hurricane Harvey Buyout/Acquisition Contract No. 20-066-005-C034 with Prosperity Bank and authorizing the Mayor, City Manager and Finance Director as the signatories.

City Manager Andres Garza, Jr. stated that on October 10, 2018 the Mayor 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:

- Local Buyout/Acquisition - \$1,693,784.00

City Manager Garza said the City contracted GrantWorks, Inc. for administration and Jones & Carter for engineering to create the applications for projects to make use of this award. He said City staff met with the General Land Office on February 17, 2020 for the kickoff meeting to begin this project. Community Development Director Gwyn Teves stated the funding would allow the City to begin targeted buyout processes to remove repetitively flooded areas from the floodplain. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolutions No. 2020-17, 2020-18 and 2020-19, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 - 17**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE AWARD OF FUNDING FROM THE CDBG-DR HURRICANE HARVEY BUYOUT & ACQUISITION PROGRAM IN THE AMOUNT OF \$1,693,784.00 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The City of Wharton City Council wishes to accept the award of funding from the CDBG-DR Hurricane Harvey Buyout & Acquisition Program in the amount of \$1,693,784.00; and,

WHEREAS, The Wharton City Council hereby ratifies the execution of the contract with GLO by the Mayor of the City signed on November 22, 2019; and,

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

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

SECTION I. The Wharton City Council hereby approves the award of funding from the CDBG-DR Hurricane Harvey Buyout & Acquisition Program in the amount of \$1,693,784.00.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant.

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

PASSED, APPROVED, and ADOPTED this 24th day of February 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-18**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING CIVIL RIGHTS POLICIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) FUNDING ISSUED THROUGH THE TEXAS GENERAL LAND OFFICE FOR CONTRACT 20-066-005-C034; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S

PARTICIPATION IN THE CDBG-DR PROGRAM.

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

administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing; and,

WHEREAS, the City of Wharton, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of Its employees engaged in the selection, award and administration of contracts; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the CDBG-DR Program.

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

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

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

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ESTABLISHMENT OF A CHECKING ACCOUNT FOR THE CDBG DR HURRICANE HARVEY BUYOUT/ACQUISITION CONTRACT NO 20-066-005-C034 WITH PROSPERITY BANK AND AUTHORIZING THE MAYOR, CITY MANAGER AND FINANCE DIRECTOR AS THE SIGNATORIES.

RESOLVES that the City Council of the City of Wharton authorize a new account with Prosperity Bank for the CDBG DR Hurricane Harvey Buyout/Acquisition Contract No 20-006-005-C034; and,

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

1. City Manager
2. Finance Director
3. Mayor

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

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

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

CITY OF WHARTON

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

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

The fourth item on the agenda was to review and consider the CDBG-DR Hurricane Harvey Infrastructure Program:

- A. Resolution: A resolution of the Wharton City Council accepting the award of funding from the CDBG-DR Hurricane Harvey Infrastructure Program in the amount of \$1,650,172.00

and authorizing the Mayor of the City of Wharton to execute all documents related to said award.

- B. Resolution: A resolution of the Wharton City Council adopting Civil Rights Policies for the Community Development Block Grant Disaster Recovery (CDBG-DR) funding issued through the Texas General Land Office for contract 20-065-081-C234; and authorizing the Mayor to act as the City's executive officer and authorized representative in all matter pertaining to the City's participation in the CDBG-DR Program.
- C. Resolution: A resolution of the Wharton City Council approving the establishment of a checking account for the CDBG DR Hurricane Harvey Infrastructure Contract No. 20-065-081-C234 with Prosperity Bank and authorizing the Mayor, City Manager and Finance Director as the signatories.

City Manager Andres Garza, Jr. stated that on October 10, 2018 the Mayor 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:

- Infrastructure - \$1,650,172.00

City Manager Garza said the City contracted GrantWorks, Inc. for administration and Jones & Carter for engineering to create the applications for projects to make use of this award. He said the City staff met with the General Land Office on February 17, 2020 for the kickoff meeting to begin the project. Community Development Coordinator Gwyn Teves stated the funding would allow the City to begin working on multiple drainage improvement projects to help alleviate internal flooding issues. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolutions No. 2020-20, 2020-21 and 2020-22, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 – 20**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING THE AWARD OF FUNDING FROM THE CDBG-DR HURRICANE HARVEY INFRASTRUCTURE PROGRAM IN THE AMOUNT OF \$1,650,172.00 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The City of Wharton City Council wishes to accept the award of funding from the CDBG-DR Hurricane Harvey Infrastructure Program in the amount of \$1,650,172.00; and,

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

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

SECTION I. The Wharton City Council hereby approves the award of funding from the CDBG-DR Hurricane Harvey Infrastructure Program in the amount of \$1,650,172.00.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant.

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

PASSED, APPROVED, and ADOPTED this 24th day of February 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING CIVIL RIGHTS POLICIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) FUNDING ISSUED THROUGH THE TEXAS GENERAL LAND OFFICE FOR CONTRACT 20-065-081-C234; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE CDBG-DR PROGRAM.

WHEREAS, the City of Wharton, Texas, (hereinafter referred to as "City of Wharton") has been awarded a Community Development Block Grant - Disaster Recovery (CDBG-DR) grant from the Texas General Land Office (hereinafter referred to as "GLO"); and,

WHEREAS, the City of Wharton, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG-DR activity, on the basis of race, color, religion, sex, national origin, age, or disability; and,

WHEREAS, the City of Wharton, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections; and,

WHEREAS, the City of Wharton, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135 is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the CDBG-DR project area; and,

WHEREAS, the City of Wharton, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations; and,

WHEREAS, the City of Wharton, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each CDBG-DR project; and,

WHEREAS, the City of Wharton, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified Individuals with disabilities have access to programs and activities that receive federal funds; and,

WHEREAS, the City of Wharton, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period, to affirmatively further fair housing; and,

WHEREAS, the City of Wharton, has designated an overseer and will maintain written standards of conduct covering conflicts of interest and governing the actions of Its employees engaged in the selection, award and administration of contracts; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to act as the City's Executive Officer and Authorized Representative in all matters pertaining to the City's participation in the CDBG-DR Program.

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

- 1. Citizen Participation Plan and Grievance Procedures;**
- 2. Section 3 Policy;**

3. **Excessive Force Policy;**
4. **Limited English Proficiency (LEP) Standards Plan;**
5. **Section 504 Policy and Grievance Procedures;**
6. **Code of Conduct Policy; and**
7. **Fair Housing Policy.**

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

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2020-22**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ESTABLISHMENT OF A CHECKING ACCOUNT FOR THE CDBG DR HURRICANE HARVEY INFRASTRUCTURE CONTRACT NO 20-065-081-C234 WITH PROSPERITY BANK AND AUTHORIZING THE MAYOR, CITY MANAGER AND FINANCE DIRECTOR AS THE SIGNATORIES.

RESOLVES that the City Council of the City of Wharton authorize a new account with Prosperity Bank for the CDBG DR Hurricane Harvey Infrastructure Contract No 20-065-081-C234; and,

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

1. City Manager
2. Finance Director
3. Mayor

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

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

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

CITY OF WHARTON

By: _____
Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

Councilmember Clifford Jackson 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 approving a contract with the Ambulance Supplemental Payment Program (ASPP) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager Andres Garza, Jr. presented a memorandum to him from Finance Director Joan Anadel regarding the contract with the Ambulance Supplemental Payment Program (ASPP). Mrs. Anadel stated the Wharton Emergency Medical Services (EMS) Department applied for the ASPP and was approved for participation for May 1, 2019 thru September 30, 2019. Mrs. Anadel said the program was for a governmental ambulance provider to claim uncompensated care costs related to services provided thru a cost reporting system with the Health and Human Service Commission. She said in order to complete the Cost Report for the period May-September 2019, she was requesting to contract with Public Consulting Group at a contingency rate of thirteen (13) percent. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2020-23, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-23**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT WITH THE AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM (ASPP) AND

AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and the Ambulance Supplemental Payment Program for claiming uncompensated care costs; and,

WHEREAS, The City of Wharton and the Ambulance Supplemental Payment Program for claiming uncompensated care costs wishes 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.** The Wharton City Council hereby approves a contract between the City of Wharton and the Ambulance Supplemental Payment Program for claiming uncompensated care costs.
- Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.
- Section III.** The City of Wharton and the City of Wharton and the Ambulance Supplemental Payment Program 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 24th day of February 2020.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider City of Wharton Hotel/Motel Funding Requests:

- A. Resolution: A resolution of the Wharton City Council rescinding and replacing resolution 2019-40.

City Manager Andres Garza, Jr. stated that on December 9, 2019, the City Council approved the Mayor to execute an agreement with the Plaza Theatre for HVAC improvements to the main auditorium. City Manager Garza said the amount of the payment approved thru the City Council budget process was \$5,000. He said Finance Director Joan Anandel had received an email from Mr. Russell Kacer with the Plaza Theatre, requesting approval for the funds to be used for a smaller HVAC project in the lobby area that would cost approximately \$5,000. Mrs. Anandel stated the City Council Finance Committee met on February 10, 2020 and voted to recommend that the City Council consider the change for the smaller HVAC project. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2020-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-24**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING AND REPLACING RESOLUTION 2019-140.

WHEREAS, The City Council approved the Mayor to execute an agreement with the Plaza Theatre for funding through the Hotel/Motel Fund for HVAC improvements to the main auditorium; and,

WHEREAS, The Plaza Theatre is requesting the approval for the funds to be used for a smaller HVAC project in the lobby instead of the main auditorium; and,

WHEREAS, The Wharton City Council hereby wishes to rescind and replace resolution 2019-40; and,

WHEREAS, A new Scope of Work has been proposed and accepted; and,

WHEREAS, The City of Wharton and The Plaza Theatre hereby agrees to be bound by the conditions as set forth in the new 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 a new agreement with The Plaza Theatre for HVAC improvements needed in the lobby area.

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

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by the City Staff for a Mini Mural Park. City Manager Andres Garza, Jr. stated the City Staff would like to implement a Mini Mural Park on Fulton Street behind the City Hall building on the current city owned property that was not being utilized. City Manager Garza said the mini mural park would contribute to the City's Comprehensive Plan and activate a current dead space that was already being maintained by the Parks and Recreation Maintenance Department. Community Development Director Gwyn Teves stated that if approved to proceed, City staff would also like to apply to the AARP Community Challenge 2020 grant program to fund this project being that there was opportunity to apply under the create a vibrant space category. Mrs. Teves said the City Council Parks and Recreation Committee met on February 24, 2020 and was recommending the City Council consider approving the request. After some discussion, Councilmember Russell Machann moved to approve the request by the City Staff for a Mini Mural Park on Fulton Street behind the City Hall building on the current city owned property that was not being utilized. Councilmember Terry Freese 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 authorizing the submission of an application to the AARP Community Challenge 2020 Grant Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager Andres Garza, Jr. stated the City staff was wanting to apply to the AARP Community Challenge 2020 Grant Program to fund a Mini Mural Park. Community

Development Director Gwyn Teves stated that there was opportunity to apply under the create a vibrant space category. Mrs. Teves said the grant would be 100% funding and would make use of green space on the side of City Hall that was not being utilized to its full potential. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-25, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 - 25**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE AARP COMMUNITY CHALLENGE 2020 GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the AARP Community Challenge 2020 Grant Program; and,

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

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

SECTION I. The Wharton City Council hereby approves the submittal of the application to the AARP Community Challenge 2020 Grant Program.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said grant application.

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

PASSED, APPROVED, and ADOPTED this 24th day of February 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The ninth item on the agenda was to review and consider a bi-weekly Food Truck Monday Event. City Manager Andres Garza, Jr. stated the City Staff of the Community Development and Code Enforcement Department were requesting a recommendation to City Council for permission to implement a bi-weekly Food Truck Monday event starting in the spring at Guffey Park. Community Development Director Gwyn Teves stated the project would lay the groundwork for multiple goals in the City of Wharton's Comprehensive Plan, specifically related to encouraging and growing small/local business development and increasing economic opportunities. Mrs. Teves said in addition to the economic impact, hosting this event would attract more people to the central downtown area, which was the historical core of our city and would increase the likelihood participants would invest in the local businesses of the area. She said this could improve community pride and provides a food source on a day where other restaurants were typically closed. Mrs. Teves stated the event would help the City achieve goals around parks and recreation in that it establishes Guffey Park as an open and out-door 'market space' destination that could be utilized for future farmer's markets, holiday markets, community garage sale/swaps, or other public gathering opportunities that build community. City Manager Garza said the City Council Parks and Recreation Committee met on February 24, 2020 and was recommending the City Council consider approving the request. After some discussion, Councilmember Terry Freese moved to approve the bi-weekly Food Truck Monday Event. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider setting a date for the City of Wharton Strategic Planning Meeting and Comprehensive Plan Update. City Manager Andres Garza, Jr. stated the City Staff was preparing for the City Council Strategic Planning Meeting to update the City's Comprehensive Plan. City Manager Garza said that in the past the City Council Strategic Planning Sessions had been planned for a Saturday meeting. Community Development Director Gwyn Teves stated the City Staff was preparing and recommending that the Council set the date of the Strategic Planning Meeting for May 16, 2020. After some discussion, Councilmember Steve Schneider moved to approve setting the date for the City of Wharton Strategic Planning Meeting and Comprehensive Plan Update for May 16, 2020. Councilmember Terry Freese seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider City Manager Employment Agreement. City Attorney Paul Webb addressed the Council regarding the City Manager's Employment Agreement. Mr. Webb stated the letter of agreement would confirm that the City had agreed to re-employ Andres Garza, Jr. effective January 21, 2020 with a salary of \$150,000.00 per year beginning January 21, 2020. He stated the agreement outlined vacation and sick leave in accordance with the City's personnel policy, as well as emergency leave and a continuance of his \$500.00 per month vehicle allowance. After some discussion, Councilmember Clifford Jackson moved to approve the City Manager Employment Agreement. Councilmember Russell Machann seconded the motion. All voted in favor.

The twelfth 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 February 19, 2020, from Community Development Coordinator, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented a copy of his memorandum dated February 19, 2020 to the City Council providing an update on the City of Wharton current projects as of January 31, 2020, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT

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

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 City Staff submitted this project to the Pre-Disaster Mitigation Grant Program that is administered by FEMA.

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. The City Staff submitted this project to the Pre-Disaster Mitigation Grant Program being administered by FEMA.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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 second quarter of 2020.

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 is awaiting TxDOT announcement of the project to be funded in Wharton County. 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. The City Staff will prepare the 2020 City Street Improvement Project Program and will present it to the City Council Public Works Committee in early February.

After some discussion, no action was taken.

The fourteenth item on the agenda was to review and consider the appointments and resignations to the City of Wharton Boards, Commissions and Committees:

1. Appointments:

- A. Building Standards Commission.
- B. Mayor's Committee on People with Disabilities.
- C. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Finance Committee meeting held February 10, 2020.

After some discussion, no action was taken.

The sixteenth 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.

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 8:13 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

