

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL MEETING
SEPTEMBER 28, 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 Clifford Jackson led the opening devotion and Mayor Tim Barker led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Attorney Paul Webb, Finance Director Joan Andel, City Secretary Paula Favors, TRMC, CPM, MMC, Assistant to the City Manager Brandi Jimenez, Community Development Director Gwyn Teves and Emergency Management Coordinator Steve Johnson.

Visitors present were: Josh Owens, Executive Director of the Wharton Economic Development Corporation (WEDCo), Ron Sanders, Executive Director of the Wharton Chamber of Commerce, Larry Pittman and Jessica Hartman with The County Gin.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

The first item on the agenda was to review and consider an ordinance adopting the fiscal year 2020-2021 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. Finance Director Joan Andel stated that during the regular City Council meeting held on August 24, 2020 the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2020 to September 30, 2021. Mrs. Andel stated that during the regular City Council meeting held September 14, 2020 the City Council held a public hearing to receive public input regarding City of Wharton Annual Budget for Fiscal year 2020-2021. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance No. 2020-14, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2020-14**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2020-2021 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, 2021, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2020; 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, 2021, 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 \$5,859,473 estimated revenues and \$6,835,324 in appropriations and with transfers-in approved at \$975,851. 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 \$4,000 in estimated revenues and \$4,000 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 \$256,998 in estimated revenues which includes \$0 from fund balance and \$256,998 in appropriations which includes transfers-out approved at \$236,248 with beginning fund balance of approximately \$67,807.
- 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 \$7,000 estimated revenues, \$7,000 appropriations with beginning fund balance of approximately \$43,433.
- 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 \$1,606,028 in estimated revenues and \$1,574,028 in appropriations. The estimated beginning fund balance is \$548,696.
- 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 \$100,000 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 \$4,796,013 in estimated revenues. Water and sewer are approved with \$4,796,013 in appropriations, which includes a franchise fee of 8% of water and sewer sales are approximately \$353,928, and transfers-out approved at \$977,439.
- 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 \$1,546,177 in estimated revenues and 1,546,177 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$86,007, and transfers-out approved at \$0.
- 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 \$2,367,205 in estimated revenues and \$2,367,205 in appropriations and includes transfers-out at \$98,412.

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 \$297,674 in estimated revenues and \$297,674 in appropriations. Transfers-in are approved at \$234,248 with a \$0 decrease to fund balance.

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 \$322,056 in estimated revenues and \$322,056 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 28th day of September 2020 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	Yes
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 Clifford Jackson, Steve Schneider, Terry Freese, Don Mueller, Russell Machann and Alice Heard-Roberts voted in favor. 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 2020; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. Finance Director Joan Anandel presented a copy of the draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2020; 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 Terry Freese moved to approve City of Wharton Ordinance No. 2020-15, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2020-15**

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2020; 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 2020 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 2020, 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	.096240/\$100 valuation
For Debt Service Requirements	.34102/\$100 valuation
Total Tax Rate	.43726/\$100 valuation

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE

and

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 0.325 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$3.25.

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 28th day of September, 2020, 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 Anandel, Finance Director

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

The third item on the agenda was to review and consider the City of Wharton Financial Report for August 2020. Finance Director Joan Anandel stated that the TexPool balance for August was \$216,014.19 with an average monthly yield of .18%. She said the Prosperity Bank balance for August 2020 was \$7,845,306.47 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 August 2020. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request by Mrs. Eva Schroeder to release the 5 ft. utility easement at 1903 Kelving Way Court, Kelving Way Subdivision, lots 3 & 4. Finance Director Joan Anandel presented a copy of the request from Mrs. Eva Schroeder to release the 5 ft. utility easement at 1903 Kelving Way Court, Kelving Way Subdivision, lots 3 & 4. Community Development Director Gwyn Teves stated that Mrs. Schroeder was requesting that the City of Wharton release the easement that runs on the southeast side of her property between lots

3 & 4 after verification with all utility companies there currently are no utilities utilizing the easement. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Ordinance 2020-16, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2020-16**

AN ORDINANCE ABANDONING A UTILITY EASEMENT AT 1903 KELVING WAY COURT, SITUATED IN THE KELVING WAY SUBDIVISION, LOTS 3 & 4, CITY OF WHARTON, WHARTON COUNTY, TEXAS.

WHEREAS, An easement has been designated for utility purposes at 1903 Kelving Way Court, situated in the Kelving Way Subdivision, Lots 3 & 4, City of Wharton, Wharton County, Texas, as shown on the attached hereto, marked Exhibit A, and incorporated herein; and,

WHEREAS, The owner has requested the City of Wharton, Texas to abandon the above described easement; and,

WHEREAS, The above described easement is obsolete and is not being used for any utility services; and,

WHEREAS, It appears to the Mayor and City Council of Wharton, Texas that it is desirable and proper to close, abandon, and vacate the above described easement.

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

Section I. The City of Wharton closes, abandons, and vacates the above described utility easement.

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

Section III. 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 28th day of September 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB

City Attorney

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

The fifth item on the agenda was to review and consider a request by Mr. Charlie Schroeder & Mrs. Eva Schroeder for a Re-Plat of 1903 Kelving Way Ct., Kelving Way, Lot 4. Finance Director Joan Andel presented a copy of the request by Mr. Charlie Schroeder & Mrs. Eva Schroeder for a Re-Plat of 1903 Kelving Way Ct., Kelving Way, Lot 4. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend the item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Charlie Schroeder & Mrs. Eva Schroeder for a Re-Plat of 1903 Kelving Way Ct., Kelving Way, Lot 4. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Nestor Esquivel Barrera for a Re-Plat of 4014 S SH 60, A20063, Abst. 63, Tract 1A-1,1A-2,1A-3,1B; WEST PT LT 2, 3 WITTIG. Finance Director Joan Andel presented a copy of the request by Mr. Nestor Esquivel Barrera for a Re-Plat of 4014 S SH 60, A20063, Abst. 63, Tract 1A-1,1A-2,1A-3,1B; WEST PT LT 2, 3 WITTIG. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Nestor Esquivel Barrera for a Re-Plat of 4014 S SH 60, A20063, Abst. 63, Tract 1A-1,1A-2,1A-3,1B; WEST PT LT 2, 3 WITTIG. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by Mr. Diondre Brown, 827 Spanish Camp Rd., Wharton, Block 61, Lot 19 for a side property line setback variance of 2' to place a 12' x 34' ft structure. Finance Director Joan Andel presented a copy of the request by Mr. Diondre Brown, 827 Spanish Camp Rd., Wharton, Block 61, Lot 19 for a side property line setback variance of 2' to place a 12' x 34' ft structure. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Diondre Brown, 827 Spanish Camp Rd., Wharton, Block 61, Lot 19 for a side property line setback variance of 2' to place a 12' x 34' ft structure. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 1234 E. Boling Hwy., A20001 ABST.1 TRACT 20A & 20A-1 and Brod Acres, Lot 17G. Finance Director Joan Andel presented a copy

of the request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 1234 E. Boling Hwy., A20001 ABST.1 TRACT 20A & 20A-1 and Brod Acres, Lot 17G. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request from Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 1234 E. Boling Hwy., A20001 ABST.1 TRACT 20A & 20A-1 and Brod Acres, Lot 17G. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 2403 N. Abell St., WM. KINCHELOE BLOCK 57A-1. Finance Director Joan Andel presented a copy of the request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 2403 N. Abell St., WM. KINCHELOE BLOCK 57A-1. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 2403 N. Abell St., WM. KINCHELOE BLOCK 57A-1. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 602 Old Boling Rd., WM. KINCHELOE, Block 64B, 64B-2, ABST 38, TR 64B RR. Finance Director Joan Andel presented a copy of the request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 602 Old Boling Rd., WM. KINCHELOE, Block 64B, 64B-2, ABST 38, TR 64B RR. Community Development Director Gwyn Teves stated the Planning Commission met on September 21, 2020 and voted to recommend this item to the City Council for approval. After some discussion, Councilmember Russell Machann moved to approve the request by Mr. Mike Lanier on behalf of Wharton Independent School District for a Re-Plat of 602 Old Boling Rd., WM. KINCHELOE, Block 64B, 64B-2, ABST 38, TR 64B RR. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The eleventh item on 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). Finance Director Joan Andel stated that 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. Emergency Management Coordinator Steve Johnson stated that the declaration allows the Mayor to perform extraordinary actions, if necessary, to protect the public. Mr. Johnson said that 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 and it was passed on March 23, 2020 and was continued until May 31, 2020, July 31, 2020 and September 30, 2020. He said that during this time the disaster continued and many of our citizens, businesses and government continued to be affected and in order to continue with the response to the pandemic it was the City Staff's recommendation that

the declaration be extended to January 15, 2021 unless rescinded earlier. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2020-101, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-101**

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; and,

WHEREAS, This was passed on March 23, 2020 and was continued until May 31, 2020, July 31, 2020 and September 30, 2020; and,

WHEREAS, To continue with the response to this pandemic the declaration will be extended until January 15, 2021 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 January 15, 2021 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 28th day of September 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 twelfth item on the agenda was to review and consider resolution of the City Council of the City of Wharton, Texas supporting the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), to allow for the expenditure of municipal hotel occupancy tax revenue by the City for construction of improvements in municipal parks. Finance Director Joan Andel stated the City Staff had been notified of proposed legislative action to allow for the expenditure of municipal hotel occupancy tax revenue by the city for construction of improvements in municipal parks. Community Development Director Gwyn Teves stated the change would allow for the expenditure of municipal hotel occupancy tax revenue for the construction of improvement in municipal parks and trails/sidewalks that connect parks, lodging establishments and other tourist attractions and related public facilities. After some discussion, Councilmember Alice Heard-Roberts moved to approve City of Wharton Resolution No. 2020-102, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020-102**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, SUPPORTING THE PASSAGE OF LEGISLATION DURING THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE (2021), TO ALLOW FOR THE EXPENDITURE OF MUNICIPAL HOTEL OCCUPANCY TAX REVENUE BY THE CITY FOR CONSTRUCTION OF IMPROVEMENTS IN MUNICIPAL PARKS.

WHEREAS, The City of Wharton ("City") has adopted a municipal hotel occupancy tax ordinance in order to raise revenue for the promotion of tourism and the hotel and lodging industry in the City; and

WHEREAS, The City has determined that the City parks are popular attractions visited year-round by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, The City parks are utilized for multiple large annual events and festivals that are attended by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, The City parks are in need of additional improvements and amenities and connectivity to lodging establishments and tourist attractions, as the current demand for certain City park facilities and amenities frequently exceeds the operating capacity of said improvements and amenities, due to the large attendance at annual festivals, events, and related tourist activities held at City parks and would benefit from connectivity and additional public facilities; and

WHEREAS, The City's tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of improvements and connectivity to the City parks, as tourists and visitors frequently visit the City parks, and improvements to the City parks will increase the quality and number of amenities available at said City parks for use and enjoyment by tourists and visitors to the City and surrounding area; and

WHEREAS, The City's tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of trails and sidewalks that connect city parks to lodging establishments and other tourist attractions, which will increase the use and enjoyment by tourists and visitors of lodging establishments, parks, tourist attractions, and related public facilities.

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

Section I. That the City Council adopts the findings and recitals set forth in the preamble of this Resolution.

Section II. That the City Council supports the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), that would allow for the expenditure of municipal hotel occupancy tax revenue by the City of Wharton for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, and other tourist attractions, and related public facilities.

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

Passed, Approved, and Adopted this 28th day of September 2020.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider was a resolution of the Wharton City Council authorizing the submission of the Notice of Intent (NOI) and an application to the Texas Water Development Board for a City Drainage Plan and Projects and authorizing the Mayor of the City of Wharton to execute all documents related to said submissions. Finance Director Joan Anandel stated the Wharton City Council authorized the submission of the prequalification application for the Texas Water Development Board Flood Infrastructure Fund on June 22, 2020. Mrs. Anandel said that since then the City Staff had been notified that the application had been approved to submit a complete application. Community Development Director Gwyn Teves stated the City must submit a Notice of Intent by September 30, 2020 and the complete application was due by October 19, 2020. Mrs. Teves said the Public Works Committee met on September 28, 2020 and were recommending the City Council consider approving the submission. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-103, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 - 103**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING SUBMISSION OF THE NOTICE OF INTENT (NOI) AND AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD FOR A CITY DRAINAGE PLAN AND PROJECTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSIONS.

WHEREAS, On June 8th, 2020 the Wharton City Council authorized the submission of an application to the Texas Water Development Board for a city drainage plan and projects; and,

WHEREAS, The City of Wharton was notified that it is invited to submit a complete application for funding to the Texas Water Development Board's (TWDB) inaugural round of the Flood

Infrastructure Fund (FIF) for City of Wharton Flood Protection Plan Abridged Application Number 13623, and,

WHEREAS, The City of Wharton City Council wishes authorize the submission of the NOI and the full application to the Texas Water Development Board for a city drainage plan and projects; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents relating to said NOI and 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 NOI and an application to the Texas Water Development Board for a city drainage plan and projects.

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

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

PASSED, APPROVED, and ADOPTED this 28th day of September 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 fourteenth item on the agenda was to review and consider Wharton Economic Development Corporation Fiscal Year 2020-2021 Amended Budget. Finance Director Joan Anandel presented a copy of the Wharton Economic Development Corporation Fiscal Year 2020-2021 Amended Budget. After some discussion, Councilmember Terry Freese moved to approve the Wharton Economic Development Corporation Fiscal Year 2020-2021 Amended Budget. Councilmember Clifford Jackson seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Wharton Economic Development Corporation Resolution No. 2020-04. Finance Director Joan Anandel presented a copy of the Wharton Economic Development Corporation Resolution No. 2020-04. After some discussion, Councilmember Russell Machann moved to approve the Wharton Economic Development Corporation Resolution No. 2020-04, which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2020-04**

A RESOLUTION AUTHORIZING A 20% MATCH, UP TO \$400,000 IN CASH AND IN-KIND SERVICES FOR AN ECONOMIC DEVELOPMENT ADMINISTRATION GRANT FOR THE PURPOSE OF DRAINAGE AND DETENTION FOR THE INDUSTRIAL PARK SITE

Wharton Economic Development Corporation ("Corporation") is a non-profit corporation organized under the provisions of Article 5190.6, Section 4B, Vernon's Texas Civil Statutes as amended, and

WHEREAS the Corporation's mission is to improve the economic development of the city, and

WHEREAS the Corporation acknowledges the Economic Development Administration Grant for infrastructure will add value to the existing site, and

WHEREAS the Corporation acknowledges the Economic Development Administration Grant will be a vital component in the development of a prominent site for the attraction of industry, and

WHEREAS the Corporation acknowledges the value of obtaining the Economic Development Administration Grant to expand the tax base and create jobs,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION that;

The Corporation, authorizes a 20% match, up to \$400,000 in cash and in-kind services, for an Economic Development Administration Grant for the purpose of drainage and detention for the Industrial Park Site.

This resolution was adopted at a Special Meeting of the Board of Directors of the Wharton Economic Development Corporation on September 9, 2020.

WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS

By: _____
____ **Marshall Francis**
President

ATTEST:

Michael Wootton

Secretary

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

The sixteenth item on the agenda was to review and consider City Manager Search:

- A. Resolution: A resolution of the Wharton City Council awarding a contract to SGR for recruitment services for a City Manager and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.
- B. Consideration for the City Manager search to be in house by the City Secretary's Office.

Finance Director Joan Anandel presented a copy of a summary of full-service recruitment from SGR for assistance in the hiring of a new City Manager for the City of Wharton. City Secretary Paula Favors stated the City Council could award a contract to a company for the assistance in a City Manager search and SGR had been used by many cities for recruitment services. Mrs. Anandel also presented a copy of a brochure created by the City Staff for the search of a City Manager. Mrs. Favors said that the City Council could award a contract or consider the City Manager search to be done in house by the City Secretary's office. After some discussion, Councilmember Russell Machann moved to approve the City Manager search be in house by the City Secretary's Office. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider an update of City of Wharton Grant Programs. Finance Director Joan Anandel presented a copy of a memorandum dated September 22, 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 eighteenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. Finance Director Joan Anandel presented a copy of City Manager Andres Garza, Jr.'s memorandum dated September 22, 2020 to the City Council providing an update on the City of Wharton current projects as of August 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. 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.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

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

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 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 September 2020.

After some discussion, no action was taken.

The nineteenth 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. Plumbing and Mechanical Board.
- E. Wharton Economic Development Corporation.
- F. Housing Finance Corporation.

After some discussion, Councilmember Terry Freese moved to appoint the following:

E. Wharton Economic Development Corporation	<u>Term Expiring:</u>
David Schroeder	September 30, 2022
Freddie Pekar	September 30, 2022
Michael Wootton	September 30, 2022
Clifford Jackson	September 30, 2022

Councilmember Steven Schneider seconded the motion. All voted on favor.

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

- A. Public Works Committee Meeting held September 14, 2020.
- B. Finance Committee Meeting held September 14, 2020.
- C. Wharton Economic Development Corporation Board of Directors Selection Committee Meeting held September 14, 2020.

After some discussion, no action was taken.

The twenty-first 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.

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 7:32 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

