MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MAY 13, 2024

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

Councilmembers present were:	Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Don Mueller; Burnell Neal; Larry Pittman; Steve Schneider, and David Voulgaris.
Councilmembers absent were:	None.
Staff members present were:	City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Planning and Development Director, Gwyn Teves; Police Chief, Terry David Lynch; Patrol Lt., Lance Bothell; Public Works Director, Roderick Semien; Makyla Monroe; EMS Director, Christy Gonzales; Assistant City Attorney, Amy Rod; EMS Supervisor II, Nancy McKelvy; Paramedic, Chris Fiore, Paramedic Supervisor, Kevin Earomirski; Advanced EMT, Amanda Gomez; Paramedic, Renae Boullion, and Patrol Sgt. Stephen Jimenez.
Visitors present were:	Ryan Salazar; Oscar Del Bosque; Ron Sanders, Executive Director of the Wharton Chamber of Commerce; Sandy Sanders; Andres Garza, Jr.; Addie Garza; Josh Owens, Executive Director, Wharton Economic Development Corporation; David Schroeder, Jana Schroeder; Betty Mueller; Jim Maddox; Brian Jarrad; Donna Chudalla; Sheriff, Shannon Srubar; Linda Lins; Commissioner, Richard Zahn; Patricia Blair; Linda Voulgaris, and Al Dube with the Wharton County Leader-Journal.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Pro-Tem, Don Mueller, called for Public Comments. No comments were given.

Wharton Moment

Mayor Pro-Tem, Don Mueller, called for Wharton Moment. No comments were given

Public Hearing

1. Public Hearing: Conduct a Public Hearing to consider testimony regarding accepting and approving a final Wharton Public Improvement District No. 2 Service and Assessment Plan.

Mayor Pro-Tem Don Mueller opened the Public Hearing at 7:02 p.m.

No comments were given.

Mayor Pro-Tem Don Mueller closed the Public Hearing at 7:03 p.m.

Proclamation

Mayor Pro-Tem Don Mueller presented the following Proclamations:

1. Proclamation: National Public Works Week.

CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION

National Public Works Week Proclamation
May 19-25, 2024
"Advancing Quality of Life For All"

WHEREAS, Public Works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of Wharton; and,

WHEREAS, These infrastructure, facilities, and services could not be provided without the dedicated efforts of Public Works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, It is in the public interest for the citizens, civic leaders, and children in the City of Wharton to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, The year 2024 marks the 64th annual National Public Works Week sponsored by **the American Public Works Association/Canadian Public Works Association.**

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, Mayor of the City of Wharton, do hereby designate the week of May 19-25, 2024, as:

"National Public Works Week"

I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our Public

Works Professionals, Engineers, Managers, and Employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 13th day of May, in the year of our Lord two thousand twenty-four A.D.

_____
Tim Barker
Mayor
City of Wharton

2. Proclamation: Law Enforcement.

CITY OF WHARTON
OFFICE OF THE MAYOR

Proclamation
"Honoring Law Enforcement"

WHEREAS, In 1962, President John F. Kennedy signed a Joint Resolution of Congress, proclaiming May 15th as Peace Officer Memorial Day and the week in which that date falls as National Police Week. This week, the nation should pay special tribute to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and,

WHEREAS, The dedicated men and women of the Wharton Police Department put themselves at risk every day to keep their fellow Americans safe regardless of the peril or hazard to themselves; and,

WHEREAS, It is important that all citizens know and understand the responsibilities, duties, hazards, and sacrifices their law enforcement agencies make by safeguarding lives, property, and protecting our citizens against violence and disorder; and,

WHEREAS, Our citizens fulfill an important civic responsibility by supporting our Wharton Police Department's work. The men and women that serve deserve our appreciation for the work they do protecting our communities and keeping us safe from harm.

Now, Therefore, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the week of May 12th through May 18th, 2024, as:

"National Police Week" in the City of Wharton, Texas.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 13th day of May, in the year of our Lord two thousand and twenty-four A.D.

_____
Tim Barker

Mayor
City of Wharton

3. Proclamation: Emergency Medical Services Week.

CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION

Emergency Medical Services Week Proclamation
May 19 - 25, 2024
"Honoring Our Past, Forging Our Future"

WHEREAS, Emergency Medical Services is a vital public service; and,

WHEREAS, The members of Emergency Medical Services Teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and,

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and,

WHEREAS, Emergency Medical Services has grown to fill a gap by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to telemedicine; and,

WHEREAS, The Emergency Medical Services System consists of First Responders, Emergency Medical Technicians, Paramedics, Emergency Medical Dispatchers, Firefighters, Police Officers, Educators, Administrators, Pre-Hospital Nurses, Emergency Nurses, Emergency Physicians, trained members of the public, and other out of hospital medical care providers; and,

WHEREAS, The members of Emergency Medical Services Teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and,

WHEREAS, It is appropriate to recognize the value and the accomplishments of Emergency Medical Services providers by designating Emergency Medical Services Week.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, Mayor of the City of Wharton, in recognition of this event, do hereby proclaim the week of May 19-25, 2024, in the City of Wharton as:

"EMERGENCY MEDICAL SERVICES WEEK"

with the EMS Strong Theme, EMS WEEK: Honoring Our Past, Forging Our Future, I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 13th day of May, in the year of our Lord two thousand twenty-four A.D.

Tim Barker
Mayor
City of Wharton

Review and Consider:

The first item on the agenda was a Presentation: Mayor Pro-Tem Don Mueller for years of service to the City of Wharton. Mayor, Tim Baker, presented outgoing Mayor Pro-Tem Don Mueller with a plaque for his years of service on the Wharton City Council. Mayor Barker asked how does someone thank a person for 32 years of service. Mrs. Donna Chudalla stated she was proud of her father for his years of service. Mr. Andres Garza, Jr. thanked Councilmember Mueller for his support over his years of tenure.

The second item on the agenda was an ordinance canvassing the election returns and declaring the results of the City Officers' Election held May 4, 2024.

Ordenanza: Una ordenanza haciendo el escrutinio y declarando los resultados de la eleccion de concejales municipales que se celebro el 4 de mayo de 2024.

City Secretary, Paula Favors, presented the City Council with the election returns. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-07 and 2024-07b, which read as follows:

CITY OF WHARTON, TEXAS
ORDINANCE NO. 2024-07

AN ORDINANCE CANVASSING THE ELECTION RETURNS AND DECLARING THE RESULTS OF THE CITY OFFICERS' ELECTION HELD ON MAY 4, 2024.

BE IT ORDAINED by the City Council of the City of Wharton, Texas:

The City Council of the City of Wharton, Texas has canvassed the returns of the City Officers' Election held on the **4th of May 2024,** and the City Council finds and declares that the election returns were duly and legally made, that all of the votes counted at the election were valid and legal, and that each of the candidates in the election received the following numbers of votes:

Election Returns	Early Votes	Absentee	Election Day	Total

Councilmember District No. 2

Steve Schneider	0	0	0	0
Unopposed				

Councilmember District No. 4

David Voulgaris	0	0	0	0
Unopposed				

Councilmember District No. 6 – At Large

Larry Pittman	322	20	92	434
Alice Heard-Roberts	241	13	141	395

Mayor-At Large

Tim Barker	0	0	0	0
Unopposed				

The City Council further finds and declares that the election was duly called, that notice of the election was given in accordance with law, that the election was held in accordance with law, that **Steven Schneider,** was elected Councilmember District No. 2; **David Voulgaris,** was elected Councilmember District No. 4; **Larry Pittman,** was elected Councilmember District No. 6– At Large and **Tim Barker,** was elected Mayor-At Large.

The City Council declares the above-named persons to be duly elected to the above-named offices, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the charter of the City of Wharton, Texas.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this resolution is 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.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 13th of May, 2024.

CITY OF WHARTON, TEXAS

By:_____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

_____
PAUL WEBB
City Attorney

CIUDAD DE WHARTON, TEXAS
ORDENANZA NUMERO 2024-07b

UNA ORDENANZA HACIENDO EL ESCRUTINIO Y DECLARANDO LOS RESULTADOS DE LA ELECCIÓN DE FUNCIONARIOS MUNICIPALES QUE SE CELEBRO EL 4 DE MAYO 2024

ASÍ SE ORDENA por el Consejo Municipal de la Ciudad de Wharton, Texas:
El Consejo Municipal de la Ciudad de Wharton, Texas, ha escudriñado los resultados de la elección de funcionarios municipales celebrada **el 4 de mayo del 2024**, y el Consejo Municipal halla y declara que los resultados de la elección fueron debidamente y legalmente hechos, que todos los votos de la elección contados fueron validos y legales, y que cada uno de los candidatos en la elección recibieron los números de votos siguientes:

Resultados de la elección

	Votación anticipada	Ausente	Día de la elección	Total

Councilmember District No. 2

Steve Schneider	0	0	0	0
Sin oponente				

Councilmember District No. 4

David Voulgaris	0	0	0	0
Sin oponente				

Councilmember District No. 6 – At Large

Larry Pittman	322	20	92	434
Alice Heard-Roberts	241	13	141	395

Mayor-At Large

Tim Barker	0		0	0
Sin oponente				

El Consejo Municipal también determina y declara que la elección fue debidamente convocada, que el aviso de la elección se dio de acuerdo con la ley, que la elección misma se celebró de acuerdo con la ley, que **Steven Schneider** fue elegido Concejal para el Distrito No. 2, **David Voulgaris** fue elegido Concejal para el Distrito No. 4, **Larry Pittman** fue elegido Concejal para la Posición No. 6- de forma irrestricta, y que **Tim Barker** fue elegido Alcalde en forma irrestricta.

El Consejo Municipal declara que las personas arriba mencionadas han sido debidamente elegidas a los puestos arriba mencionados, pendiente que hagan sus juramentos de sus cargos como se requiere según las leyes del Estado de Texas y la carta constitutiva de la Ciudad de Wharton, Texas.

Divisibilidad

Si cualquier tribunal competente con jurisdicción declara cualquier sección, sub-sección, frase, clausula, frase, o parte de esta resolución invalida o no constitucional, dicha parte se considerará

ser una disposición aparte, distinta, e independiente, y dicha decisión no afectará la validez de las disposiciones restantes.

Autorización y Aprobación

AUTORIZADA y APROBADA por el Consejo Municipal de la Ciudad de Wharton, Texas, el 13 de mayo 2024.

CIUDAD DE WHARTON, TEXAS

Por: _____
TIM BARKER
Alcalde

ATESTIGADO POR:

_____
PAULA FAVORS
Secretaria Municipal

APROBADO EN TANTO A FORMA:

_____
PAUL WEBB
Abogado de la Ciudad

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The third item on the agenda was to Administer Oath of Office to Elected Officials: Councilmembers Steve Schneider, David Voulgaris, Larry Pittman, and Mayor Tim Barker. City Attorney, Paul Webb, administered the Oath of Office to Elected Officials: Councilmembers Steve Schneider, David Voulgaris, Larry Pittman, and Mayor Tim Barker.

The fourth item on the agenda was to review and consider the Appointment of Mayor Pro-Tem. After some discussion, Councilmember, Larry Pittman, moved to appoint Councilmember, Russell Machann, to Mayor Pro-Tem. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held April 8, 2024, and April 22, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held on April 8, 2024, and April 22, 2024. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving the termination of the current land lease agreement between the City of Wharton and the Veterans Memorial Home Committee and authorizing the Mayor of the City of Wharton to execute all documents relating to said termination. City Manager, Joseph R. Pace, presented a copy of the request from Ms. Rosita Chlebek, Commander Post 87, American Legion Post 87, regarding the termination of the land lease agreement between the City of Wharton and the Veterans Memorial Home Committee. City Manager Pace stated the City of Wharton had leased the property to the Veterans Memorial Home Committee since June 8, 1948. City Attorney, Paul Webb, stated he had reviewed the agreement and the agreement met his approval. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-46, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-46

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TERMINATION OF THE CURRENT LAND LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND THE VETERANS MEMORIAL HOME COMMITTEE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID TERMINATION.

WHEREAS, The City of Wharton wishes to authorize the Mayor of the City of Wharton to terminate the land lease agreement between the Veterans Memorial Home Committee and the City of Wharton; and,

WHEREAS, The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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 the Mayor of the City of Wharton to terminate, on behalf of the City of Wharton, the land lease agreement with the Veterans Memorial Home Committee.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By:_____
TIM BARKER
Mayor

ATTEST:

_____

PAULA FAVORS
City Secretary

Councilmember, Russell Machann, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Texas Historical Commission for an official Texas Historical Marker for Harris Park and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Ms. Patricia Blair, Chair of the Wharton County Historical Commission submitted a request to allow the submission of a 2024 Official Texas Historical Marker Sponsorship Application for a Texas Historical Marker for Harris Park. Ms. Blair stated the application would be completed by her and the Mayor's signature would be required. She said there was not a specific location for the placement of the sign but the request was that it would be in a prominent place where it could be seen and read since the purpose was educational. Ms. Blair stated the expense for the application and marker would be paid by Ms. Annette Harris Scott, a direct descendant of John Harris, who donated the property for the park. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-47, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-47

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS HISTORICAL COMMISSION FOR AN OFFICIAL TEXAS HISTORICAL MARKER FOR HARRIS PARK 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 approve the submission of an application to the Texas Historical Commission for an official Texas Historical Marker for Harris Park by the Wharton County Historical Commission; and,

WHEREAS, The application fee and historical marker would be paid for by the descendants of John Harris; and,

WHEREAS, If awarded, the marker would be installed by the City of Wharton in Harris Park; and,

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

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

SECTION I. The Wharton City Council hereby approves the submission of an application to the Texas Historical Commission by the Wharton County Historical Commission for an official Texas Historical Marker for Harris Park.

SECTION II. The City designates the Mayor as the person authorized to sign all forms related to the preparation of the application.

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

PASSED, APPROVED, and ADOPTED this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider an ordinance of the City Council of the City of Wharton, Texas, accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for the Wharton Public Improvement District No. 2; making a finding of special benefit to the property in Phase #1 of the District; levying special assessments against property within Phase #1 of the District and establishing a lien on such property; providing for the method of assessment and the payment of the assessments in accordance with Chapter 372, Texas Local Government Code, as amended; providing penalties and interest on delinquent assessments; providing for severability; and providing an effective date. Finance Director, Joan Andel, presented a copy of an ordinance accepting and approving a Service and Assessment Plan and Phase #1 Assessment Roll for the Wharton Public Improvement District No. 2. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-08, which read as follows:

CITY OF WHARTON
ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, ACCEPTING AND APPROVING A SERVICE AND ASSESSMENT PLAN AND PHASE #1 ASSESSMENT ROLL FOR THE WHARTON PUBLIC IMPROVEMENT DISTRICT NO. 2; MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN PHASE

#1 OF THE DISTRICT; LEVYING SPECIAL ASSESSMENTS AGAINST PROPERTY WITHIN PHASE #1 OF THE DISTRICT AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 5, 2023, a petition was submitted and filed with the City Secretary (the "City Secretary") of the City of Wharton, Texas (the "City") pursuant to the Public Improvement District Assessment Act, Chapter 372, Texas Local Government Code, as amended (the "PID Act"), requesting the creation of a public improvement district in the City to be known as the Wharton Public Improvement District No. 2 (the "District"); and

WHEREAS, the petition contained the signatures of the owners of taxable property representing more than fifty percent of the appraised value of taxable real property liable for assessment within the District, as determined by the then current ad valorem tax rolls of the Wharton Central Appraisal District, and the signatures of the property owners who owned taxable real property that constituted more than fifty percent of the area of all taxable property within the District that is liable for assessment; and

WHEREAS, on October 23, 2023, after due notice, the City Council of the City (the "City Council") held a public hearing in the manner required by law on the advisability of the public improvements and services described in the petition as required by Section 372.009 of the PID Act and made the findings required by Section 372.009(b) of the PID Act and, by Resolution No. 2023-88 (the "Authorization Resolution") adopted by a majority of the members of the City Council, authorized and created the District in accordance with its finding as to the advisability of the Authorized Improvements; and

WHEREAS, the Authorization Resolution provides that the authorization takes effect on the date the resolution is adopted, as required by law; and

WHEREAS, the Authorization Resolution was filed with the county clerk of Wharton County, as required by law; and

WHEREAS, no written protests regarding the creation of the District from any owners of record of property within the District were filed with the City Secretary; and

WHEREAS, on April 8, 2024, the City Council adopted a resolution approving a preliminary amended and restated service and assessment plan update, including a proposed assessment roll for Phase #1 of the District (the "Proposed Phase #1 Assessment Roll"); calling for a public hearing to consider an ordinance levying assessments on property within Phase #1 of the District (the "Assessments"); authorizing and directing the City Secretary to file the Proposed Phase #1 Assessment Roll and make such assessment roll available for public inspection; authorizing and directing the publication of notice of a public hearing to consider the levying of

the Assessments against the property within Phase #1 of the District (the "Levy and Assessment Hearing"); authorizing and directing the mailing of notice of the Levy and Assessment Hearing to owners of property liable for assessment; and directing related action; and

WHEREAS, on April 9, 2024, the City Secretary filed the Proposed Phase #1 Assessment Roll and made the same available for public inspection; and

WHEREAS, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on May 1, 2024, in the *Wharton County Leader Journal*, a newspaper of general circulation in the City; and

WHEREAS, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known addresses of the owners of the property liable for the Assessments; and

WHEREAS, the City Council opened the Levy and Assessment Hearing on May 13, 2024, and at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Phase #1 Assessment Roll (as defined below), and the proposed Assessments, and to offer testimony pertinent to any issue presented on the amount of the Assessments, the allocation of the estimated costs of the Authorized Improvements to be undertaken for the benefit of the property located within Phase #1 (the "Phase #1 Projects"), the purposes of the Assessments, the special benefits of the Phase #1 Projects, and the penalties and interest on annual installments and on delinquent annual installments of the Assessments; and

WHEREAS, the City Council finds and determines that the Phase #1 Assessment Roll and the Wharton Public Improvement District No. 2 Service and Assessment Plan, dated May 13, 2024, in a form substantially similar to the attached *Exhibit A* hereto (as updated, the "Service and Assessment Plan"), and which is incorporated herein for all purposes, should be approved and that the Assessments should be levied as provided in this Ordinance and the Service and Assessment Plan and the assessment roll for Phase #1 attached thereto as Appendix F (the "Phase #1 Assessment Roll"); and

WHEREAS, the City Council further finds that there were no objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the Actual Costs of the Phase #1 Projects (as described in the Service and Assessment Plan), the Phase #1 Assessment Roll, or the levy of the Assessments against the benefitted property within Phase #1 of the District; and

WHEREAS, the owners (the "Landowners"), or their representatives, of the majority of the privately-owned and taxable property located within Phase #1 of the District (the "Phase #1 Assessed Property"), the legal description of which is shown in Exhibit B, who are the persons to be assessed pursuant to this Ordinance, have indicated their approval of the Service and Assessment Plan, approval of the Phase #1 Assessment Roll, approval of this Ordinance, and approval of the levy of the Assessments against their property located within Phase #1 of the District; and

WHEREAS, the City Council closed the Levy and Assessment Hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

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

SECTION 1. Terms.

Terms not otherwise defined herein are defined in the Service and Assessment Plan.

SECTION 2. Findings.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

The apportionment of the estimated Actual Costs of the Phase #1 Projects (as reflected in the Service and Assessment Plan) and the Administrative Expenses (as reflected in the Service and Assessment Plan) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed parcel of the Phase #1 Assessed Property will receive from the construction of the Phase #1 Projects identified in the Service and Assessment Plan, and is hereby approved;

(a) The Service and Assessment Plan (i) covers a period of at least five years, (ii) defines the annual indebtedness and projected costs for the Phase #1 Projects, and (iii) includes a copy of the notice form required by Section 5.014 of the Texas Property Code, as amended. The Service and Assessment Plan has been reviewed and updated annually;

(b) The Service and Assessment Plan apportions the estimated Actual Costs of the Phase #1 Projects to be assessed against the Phase #1 Assessed Property as Assessments and such apportionment is made on the basis of special benefits accruing to the property because of the Phase #1 Projects;

(c) All of the real property in Phase #1 of the District which is being assessed in the amounts shown in the Phase #1 Assessment Roll will be benefited by the Phase #1 Projects proposed to be constructed as described in the Service and Assessment Plan, and each assessed parcel of Phase #1 Assessed Property will receive special benefits in each year equal to or greater than each annual installment of the Assessment against such property and will receive special benefits during the term of the Assessments equal to or greater than the total amount assessed;

(d) The method of apportionment of the estimated Actual Costs of Phase #1 Projects and the Administrative Expenses set forth in the Service and Assessment Plan results in imposing equal shares of the estimated Actual Costs of the Phase #1 Projects and the Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the estimated Actual Costs of the Phase #1 Projects and the Administrative

Expenses;

(e) The Service and Assessment Plan should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(f) The Phase #1 Assessment Roll should be approved as the assessment roll for the Phase #1 Assessed Property within the District;

(g) The provisions of the Service and Assessment Plan relating to due and delinquency dates for the Assessments, interest on Annual Installments, interest and penalties on delinquent Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Assessments should be approved and will expedite collection of the Assessments in a timely manner in order to provide the services and improvements needed and required for Phase #1 of the District; and

(h) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

SECTION 3. Service and Assessment Plan.

The Service and Assessment Plan is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the service and assessment plan for the District.

SECTION 4. Phase #1 Assessment Roll.

The Phase #1 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the assessment roll for Phase #1 of the District.

SECTION 5. Levy and Payment of Assessments for Estimated Costs of Phase #1 Projects.

(a) The City Council hereby levies an assessment on each parcel of the Phase #1 Assessed Property (excluding Non-Benefitted Property, as described in the Service and Assessment Plan), as shown and described in the Service and Assessment Plan and the Phase #1 Assessment Roll, in the respective amounts shown on the Phase #1 Assessment Roll, as a special assessment on the properties set forth in the Phase #1 Assessment Roll.

The levy of the Assessments shall be effective on the date of execution of this Ordinance levying the Assessments and strictly in accordance with the terms of the Service and Assessment Plan and the PID Act.

The collection of the Assessments shall be as described in the Service and Assessment Plan

and the PID Act.

Each Assessment may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the Service and Assessment Plan.

Each Assessment shall bear interest at the rate or rates specified in the Service and Assessment Plan.

Each Annual Installment shall be collected each year in the manner set forth in the Service and Assessment Plan.

The Administrative Expenses for the Phase #1 Assessed Property shall be calculated and collected pursuant to the terms of the Service and Assessment Plan.

SECTION 6. Method of Assessment.

The method of apportioning the estimated Actual Costs of the Phase #1 Projects and the Administrative Expenses is as set forth in the Service and Assessment Plan.

SECTION 7. Penalties and Interest on Delinquent Assessments.

Delinquent Assessments shall be made subject to the penalties, interest, procedures, and foreclosure sales set forth in the Service and Assessment Plan.

SECTION 8. Prepayment of Assessments.

As provided in Section F of the Service and Assessment Plan, the owner of any Phase #1 Assessed Property subject to an Assessment may prepay the Assessments levied by this Ordinance.

SECTION 9. Lien Priority.

The City Council and the Landowners intend for the obligations, covenants and burdens on the Landowners of each parcel of Phase #1 Assessed Property, including without limitation such Landowners' obligations related to payment of the Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Landowners, as the owners of each parcel of Phase #1 Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. The Assessments shall have lien priority as specified in the Service and Assessment Plan and the PID Act.

SECTION 10. Appointment of an Administrator and Collector of Assessments.

a. Appointment of Administrator.

MuniCap, Inc. is hereby appointed and designated to initially serve, or until otherwise determined by the City Council, as the Administrator of the Service and Assessment Plan and of the Assessments levied by this Ordinance. The Administrator shall perform the duties of the Administrator described in the Service and Assessment Plan, in this Ordinance, and in any contract between the City and the Administrator. The Administrator's fees, charges and expenses for providing such service shall constitute an Administrative Expense.

b. Appointment of Collector.

The Wharton County Tax Assessor/Collector is hereby appointed and designated as the collector of the Assessments.

SECTION 11. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of the Assessments by the City.

SECTION 12. Filing in Land Records.

The City Secretary or the Assistant City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan and the Phase #1 Assessment Roll, to be recorded in the real property records of Wharton County, not later than the seventh day after the date the City Council adopts this Ordinance approving the Service and Assessment Plan. The City Secretary or the Assistant City Secretary is further directed to similarly file each Annual Service Plan Update approved by the City Council not later than the seventh day after the date that the City Council approves each Annual Service Plan Update.

SECTION 13. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 14. Effective Date.

This Ordinance shall take effect and be in force immediately from and after its adoption on the date shown below in accordance with Texas Government Code, Section 1201.028, as amended.

PASSED AND APPROVED, this the 13th day of May, 2024.

CITY OF WHARTON, TEXAS

_____
Tim Barker
Mayor

ATTEST:

_____
Paula Favors
City Secretary

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Amendment to the Interlocal Agreement for Jail Services between the City of Wharton and Wharton County and authorizing the Mayor of the City of Wharton to execute the agreement. Chief of Police, Terry David Lynch, presented a copy of an Amendment to the Interlocal Agreement for Jail Services with Wharton County. Chief Lynch stated the amendment was changing the daily rate increase to $65.00. City Attorney Paul Webb stated he had reviewed the agreement and it met his approval. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2024-48, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-48

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR JAIL SERVICES BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The City of Wharton receives jail services from Wharton County; and,

WHEREAS, Wharton County wishes to increase the rates for said services to $65.00 per day per inmate; and,

WHEREAS, The Wharton City Council wishes to amend the contract by increasing the rate to $65.00 per day per inmate for said services; and,

WHEREAS, The Wharton City Council and Wharton County wish to be bound by the conditions of the agreement; and,

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

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

Section I. That the City of Wharton hereby approves an amendment to the contract with Wharton County for jail services by increasing the rates to $65.00 per day per inmate.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement for benefits consulting services and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Over the last several years, the City of Wharton has seen large increases in health insurance premiums through the TX Health Benefits Pool, and it is believed that this year will not be an exception. City Secretary, Paula Favors, stated many cities were going out to the health insurance market and the City Staff was requesting to contract with a company to issue a Request for Proposals (RFP). She said the Finance Committee met and reviewed proposals from HUB International and Higginbotham to provide RFP services and possible assistance with the problems of benefits with the contracted insurance vendor. After

some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-49, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-49

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR BENEFITS CONSULTING SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of HUB International to provide Benefits Consulting Services; and,

WHEREAS, HUB International wishes to provide said services for the City of Wharton Employee Benefits and,

WHEREAS, The City of Wharton and HUB International wishes to be bound by the conditions of said professional services agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a professional services agreement with HUB International for City of Wharton Employee Benefits.

Section II. The City of Wharton and HUB International 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 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BAKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) and authorizing the Mayor of the City of Wharton to execute all documents related to said award. Director of Planning & Development, Gwyn Teves, stated that on February 4, 2019, the Mayor was notified that the City had been awarded Community Development Block Grant - Disaster Recovery (CDBD-DR) funds in the amount of $2 million dollars for the CDBG-DR 2016 Floods Program. Mrs. Teves said the City Staff recommended that the City Council award the contract to James W. Turner Construction based on GrantWorks' recommendation and previous satisfactory experience with the contractor. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-50, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-50

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR CONSTRUCTION FOR THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY (CDBG-DR) GRANT PROGRAMS ADMINISTERED BY THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AWARD.

WHEREAS, The Wharton City Council wishes to award services to James W. Turner Construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) for construction and renovation services; and,

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

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

Section I. The Wharton City Council hereby awards services to James W. Turner Construction for the 2016 Community Development Block Grant – Disaster Recovery (CDBG-DR) Grant Programs administered by the Texas General Land Office (GLO) for construction and renovation services.

Section II. The Wharton City Council authorizes the Mayor of the City of Wharton to execute said award.

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

Passed, Approved, and Adopted this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider an ordinance declaring a public necessity for rights of entry and/or acquisition to the below-listed properties located in Wharton, Texas, for a public purpose, namely for geotechnical studies, appraisal, surveying, environmental assessments and borings and/or acquisition, to include fee simple acquisition, public drainage, and levee easements for the Lower Colorado River Basin Phase II, Texas, Wharton Flood Risk Management Project; ratifying and affirming all prior acts and proceedings done or initiated by attorneys and employees of the City to acquire such rights of entry/acquisitions for the property; authorizing all other lawful action necessary or incidental to such rights of entry/acquisitions. Director of Planning & Development, Gwyn Teves, stated the City of Wharton had been working with the United States Army Corps of Engineers (USACE) on the Wharton Colorado Levee Project. Mrs. Teves said the USACE had been working to complete the design of Phase II and the City had received authorization from the USACE to begin partial Phase II acquisitions. She said the notice was required before any acquisition to be eligible for reimbursement from the USACE. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2024-09, which read as follows:

CITY OF WHARTON
ORDINANCE NO. 2024-09

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR RIGHTS OF ENTRY AND/OR ACQUISITION TO THE BELOW LISTED PROPERTIES LOCATED IN WHARTON, TEXAS, FOR A PUBLIC PURPOSE, NAMELY FOR GEOTECHNICAL STUDIES, APPRAISAL, SURVEYING, ENVIRONMENTAL ASSESSMENTS AND BORINGS AND/OR ACQUISITION, TO INCLUDE FEE SIMPLE ACQUISITION,

PUBLIC DRAINAGE, AND LEVEE EASEMENTS FOR THE LOWER COLORADO RIVER BASIN PHASE II, TEXAS, WHARTON FLOOD RISK MANAGEMENT PROJECT; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH RIGHTS OF ENTRY/ACQUISITIONS FOR THE PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH RIGHTS OF ENTRY/ACQUISITIONS.

WHEREAS, The City of Wharton, Texas, has determined that the tract(s) or parcel(s) of land, hereinafter described, are required for investigation/acquisition for the City public works Levee flood control improvements; and,

WHEREAS, The City may be unable to obtain rights of entry/acquire or purchase fee simple interest, public drainage, or levee easements in said parcel(s) by negotiation, and the City would then be compelled to exercise its power of eminent domain.

NOW BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:

SECTION I. AUTHORIZATION. The City Attorney, Paul Webb, and the Special Legal Counsel of the City, Winstead P. C., is hereby authorized and funded to prepare appropriate legal documents and enter appropriate negotiations for the right to enter and/or acquisition of the properties described in Exhibit "A". Failing such final attempt at negotiation, Special Legal Counsel is hereby authorized to initiate eminent domain condemnation proceedings in a court of competent jurisdiction in Wharton County, Texas on behalf of the City to obtain rights of entry and/or fee simple ownership of said parcel(s).

SECTION II. PUBLIC NECESSITY. The City Council of Wharton, Wharton County, Texas, declares that a public necessity exists for the City of Wharton to obtain rights of entry and/or acquire the real property located in Wharton County, Texas, and described in Exhibit "A" attached hereto and made a part hereof. The City Attorney, Paul Webb, and Special Legal Counsel, Winstead P.C., are hereby directed to finally determine the owner(s) of said real property, coordinate with the Wharton City Manager in an attempt to finally negotiate the right of entry and/or purchase or grant of a fee simple interest in and to said properties in Exhibit "A"; and failing such effort at final negotiation, to institute and prosecute to conclusion, an eminent domain condemnation suit against the known and/or unknown owner(s) of said property and against any and all other person(s) and legal entities who own or claim any interest in said lands; and to obtain the right to enter and/or acquire the real estate for the City of Wharton for use as a public flood control Levee.

SECTION III. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct and incorporates such recitals as findings of fact.

SECTION IV. SEVERABILITY. If any provision of this Ordinance or the application hereof to any circumstance shall ever be held to be invalid, the remainder of this Ordinance and the

application thereof to other circumstances shall nevertheless be valid, and the governing body hereby declares that this Ordinance would have been enacted without such invalid provision; and that in lieu of each clause or provision of this Ordinance that is deemed invalid, illegal, or unenforceable, there then will be added by the Mayor as necessary, with the approval of the City Manager and City Attorney as to form and legality, and as a part of the Ordinance, a substitute or additional clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be legally possible, valid and enforceable.

SECTION V. EFFECTIVE DATE. This Ordinance shall become effective immediately following its passage.

SECTION VI. OPEN MEETINGS. The City finds that this Ordinance was discussed, considered, and appropriate action was taken upon it in accordance with the Texas Open Meetings Act requirements of Texas law, set forth in Tex. Gov't Code Ann. as amended, Title 5, Chapter Sec. 551.001 et seq.

PASSED AND ADOPTED this the 13th day of May 2024.

CITY OF WHARTON

_____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

_____
PAUL WEBB
City Attorney

Exhibit "A"

R062178	A20003 ABST.3 TRACT 33D
R027591	A20003 ABST.3 TRACT 33 PT (NORTH)
R068876	A20003 ABST.3 TRACT 33PT (SOUTH) & 33RR
R068875	A20034 ABST.34 TRACT 69 PT (SOUTH) & 86RR
N/A	TXDOT & WHARTON COUNTY FM 102

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Economic Development Administration (EDA) FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for Water & Sewer Utilities in support of the existing and future commercial development of the Wharton Economic Development property on U.S. 59 and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. Planning and Development Director, Gwyn Teves, stated the Economic Development Administration (EDA) had announced funding availability for FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Notice of Funding Opportunity. Mrs. Teves stated the City Staff was requesting authorization to apply for the FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance to expand water and sewer utilities to the Wharton Industrial Foundation property to support existing and potential businesses. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-51, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-51

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FY 2023/2024 PUBLIC WORKS AND ECONOMIC DEVELOPMENT FACILITIES AND ECONOMIC ADJUSTMENT ASSISTANCE PROGRAMS FOR WATER & SEWER UTILITIES IN SUPPORT OF THE EXISTING AND FUTURE COMMERCIAL DEVELOPMENT OF THE WHARTON ECONOMIC DEVELOPMENT PROPERTY ON U.S. 59 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 EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for water and sewer utilities in support of existing and future commercial development of the Wharton Economic Development Property on US 59; and,

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

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

SECTION I. The Wharton City Council hereby approves the City of Wharton Staff to prepare an application for the EDA FY 2023/2024 Public Works and Economic Development Facilities and Economic Adjustment Assistance Programs for water and sewer utilities

in support of existing and future commercial development of the Wharton Economic Development Property on US 59.

SECTION II. The City designates the Mayor as the person authorized to sign all forms related to the preparation of the application.

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

PASSED, APPROVED, and ADOPTED this 13th day of May 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary

Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider a request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Mrs. Teves stated the Planning Commission met on May 6, 2024, and were recommending this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Executive Director Joshua Owens on behalf of the Wharton Economic Development Corporation to replat 108 W. Elm St., Wharton, Block 3, Lot 2, 2D, 3, 3D. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider reschedule the May 27, 2024, Regular City Council Meeting. After some discussion, Councilmember Burnell Neal, moved to approve rescheduling the May 27, 2024, Regular Meeting to May 28, 2024. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

A. Resignations.

B. Appointments.
C. Vacancies.

After some discussion, Councilmember, Russell Machann, moved to appoint Councilmember, David Voulgaris, to the Public Safety, Public Works, and Telecommunications Committees. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

There being no further discussion, Councilmember, David Voulgaris, moved to adjourn. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The meeting adjourned at 7:34 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

_____
PAULA FAVORS
City Secretary