



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, April 08, 2024
7:00 PM**


***CITY HALL 120 EAST CANEY STREET
WHARTON, TEXAS 77488***

**NOTICE OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

Notice is hereby given that a City Council Regular Meeting will be held on Monday, April 08, 2024, at 7:00 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 4th day of April 2024.


By: 
Tim Barker, Mayor

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the City Council Regular Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City or Town in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on April 4, 2024, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

The Wharton City Hall is wheelchair accessible. Access to the building and special parking is available at the primary entrance. Persons with disabilities, who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (979) 532-4811 Ext. 225 or by FAX (979) 532-0181 at least two (2) days prior to the meeting date. BRAILLE IS NOT AVAILABLE.

Dated this 4th day of April 2024.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, April 08, 2024
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Proclamation

1. Proclamation: Public Safety Telecommunicators Week.
2. Proclamation: Fair Housing.

Review and Consider:

1. Reading of the minutes from the regular meetings held March 11, 2024, and March 25, 2024.
2. Presentation: Presentation to Oscar Del Bosque for years of service to the City of Wharton.
3. Presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for the placement of three (3) advertisement signs within the City of Wharton and a request for variances for the placement of the signs.
4. Request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 15th Annual Wharton Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024:
 - A. The use of Guffey Park.
 - B. Placement of two trash cans with trash bags at Guffey Park.
 - C. Allow placement of necessary signage as long as it is not placed in the right-of-way within the City.
5. Resolution: A resolution of the City of Wharton, Texas determining the costs of certain public improvements to be financed by the Wharton Public Improvement District No. 2; accepting an updated preliminary service and assessment plan, including the updated proposed assessment rolls; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; calling a Public Hearing on May 13, 2024 to consider an ordinance levying assessments on property within the district; directing City Staff to publish and mail notice of said Public Hearing; and resolving other matters incident and related thereto.

6. Wharton Municipal Swimming Pool:

 - A. Approval of the 2024 Pool Schedule.
 - B. Resolution: A resolution of the Wharton City Council approving the 2024 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement.

7. Resolution: A resolution of the Wharton City Council approving an amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transports and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract.

8. Resolution: A resolution of the Wharton City Council approving an agreement for Medical Director Services between Dr. Jeffery Gubbels and the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement.

9. Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:

 - A. Resignations.
 - B. Appointments.
 - C. Vacancies.


10. City Council Boards, Commissions, and Committee Reports:

 - A. Finance Committee meeting held March 25, 2024.

Adjournment.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Proclamation: Public Safety Telecommunicators Week. |
| | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

**Public Safety Telecommunicators Week
Proclamation
April 14-20, 2024**

WHEREAS, Emergencies can occur at any time that requires police, fire, or emergency medical services, and;

WHEREAS, When an emergency occurs the prompt response of police officers, volunteer firefighters, and emergency medical services is critical to the protection of life and preservation of property, and;

WHEREAS, The safety of our police officers, emergency medical services, and volunteer firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Emergency Communications Center of the Wharton Police Department; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers, emergency medical service, and volunteer firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators of the Wharton Police Department have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patient; and,

WHEREAS, Each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

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 April 14th-20th, 2024, in the City of Wharton as:

“PUBLIC SAFETY TELECOMMUNICATORS WEEK”


In honor of the men and women whose diligence and professionalism keep our City, County, and Nation safe.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of April, in the year of our Lord two thousand twenty-four A.D.

Tim Barker
Mayor

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|-----------------------------|
| Meeting Date: | 4/8/2024 | Agenda Item: | Proclamation: Fair Housing. |
| | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



CITY OF WHARTON
OFFICE OF THE MAYOR

PROCLAMATION

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it is a national policy to provide, within constitutional limits, for fair housing in the United States; and,

WHEREAS, The principal of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,


WHEREAS, The anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim

*The Month of April as
“Fair Housing Month”*

in the City of Wharton and hereby urge all the citizens of this locality to become aware of and support the Fair Housing Law.


IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 8th day of April in the year of our Lord two thousand twenty-four A.D.



TIM BARKER
Mayor
City of Wharton, Texas

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Reading of the minutes from the regular meetings held March 11, 2024, and March 25, 2024. |
| Attached you will find the draft minutes from the regular meetings held March 11, 2024, and March 25, 2024. | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MARCH 11, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:01 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Burnell Neal, led the opening devotion, and Mayor, Tim Barker led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Don Mueller; Burnell Neal; Larry Pittman, and Steve Schneider.

Councilmembers absent were: Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Planning and Development Director, Gwyn Teves, and EMS Director, Christy Gonzales.

Visitors present were: Ryan Salazar; Traci Myers; Louis Marshall; Dane B. Kappler; Desurae Matthews; Doris Teague; Louis Marshall; James Perez; Karen Vannerson; Richard Hill, Brandy Stacy with Linebarger Goggan Blair & Sampson, LLP Attorneys at Law; Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Don Mueller, moved to excuse Councilmember, Russell Machann. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

Public Comments.

Mayor, Tim Barker, called for Public Comments. No comments were given.

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

City Attorney, Paul Webb, stated in the 28 years that he had been City Attorney he had never been asked to lunch by a City Councilmember until Councilmember, Larry Pittman, asked him!

Councilmember, Terry Freese, congratulated Planning and Development Director, Gwyn Teves, on receiving the first City of Wharton Employee of the Year from the Wharton Chamber of Commerce.

Mayor, Tim Barker, gave condolences to the family of Evelyn Rogers Cochran who passed away on Monday, March 11, 2024.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held February 12, 2024, and February 26, 2024. After some discussion, Councilmember,

Terry Freese, moved to approve the reading of the minutes from the regular meetings held on February 12, 2024, and February 26, 2024. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Mrs. Teves stated the Planning Commission met on March 4, 2024, and recommended the item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Mrs. Teves stated the Planning Commission met on March 4, 2024, and recommended the item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Ms. Desurae Matthews of SisterSista to hold their annual Springfest on March 31, 2024, and assistance for the following:

- A. Allow food vendors for the event.
- B. Waive any food vendor fees.
- C. Additional trash cans and liners.

Ms. Desurae Matthews of SisterSista presented her request to the City Council to hold their annual Springfest on March 31, 2024, at Pleasure Park and for City assistance. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Desurae Matthews of SisterSista to hold their annual Springfest on March 31, 2024, and for aforementioned items A. through C. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Ms. Traci Myers, Director of the WCJC Senior Citizens Program, to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion and assistance with the following:

- A. To post the event (WCJC 5K Stride and Stroll 2024) on the digital billboard on Highway 59 by La Casona/Walmart.
- B. Close part of Elm Street between Brietling Street and Fulton Street from 6:30 am to 12:00 pm.

- C. To use city-owned barricades for the street closures at Elm Street and Brietling Street, Elm Street and Resident Street, Elm Street and Rusk Street, and Elm Street and Fulton Street.
- D. To have 10 Trash barrels and extra liners provided.
- E. To waive all fees that may apply to this event.

Ms. Traci Myers, presented her request to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion. After some discussion, Councilmember, Larry Pittman, moved to approve the request from Ms. Traci Myers, Director of the WCJC Senior Citizens Program, to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion and assistance with aforementioned items A. through E. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. James Perez, President of the Wharton County Hispanic Chamber of Commerce, regarding a Cinco de Mayo Celebration on Saturday, May 4, 2024, and assistance for the following:

- A. Close Houston Street between Milam Street and Burleson Street on Saturday, May 4, 2024, from 8:00 a.m. to 12:00 a.m.
- B. Close Fulton Street between Milam Street and Burleson Street on Saturday, May 4, 2024, from 8:00 a.m. to 12:00 a.m.
- C. Waive the City of Wharton Noise Ordinance to allow DJ Music and live performances.
- D. Waive the City of Wharton Alcohol Ordinance to allow public alcohol consumption in the Monterey Square Area only.
- E. Waive all local permit fees.
- F. Provide two (2) generator lights for safety and clean up.
- G. Provide one (1) roll-off dumpster.
- H. Provide twelve (12) trash barrels and trash bags to help keep the Downtown Area clean.
- I. Provide barricades for the above-mentioned street closures.
- J. Provide access to the electrical breaker or outlets on Fulton Street.
- K. Advertise the celebration on the I-69 Digital Billboard.
- L. Provide financial or in-kind support to help offset the event's costs.

Mr. James Perez, President of the Wharton County Hispanic Chamber of Commerce, presented his request regarding a Cinco de Mayo Celebration on Saturday, May 4, 2024. Mr. Perez stated that he took his request to the Commissioner's Court for approval on February 26, 2024, for permission to hold the event on Monterey Square and to use the electrical breakers on Fulton Street as both belong to the County. He said the Commissioner's approved his request for those two items. After some discussion, Councilmember, Burnell Neal, moved to approve aforementioned items A., B., C., D., E., G., H., I., and K. Councilmember, Larry Pittman, 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 approving a lease agreement between the City of Wharton and Wharton Little League and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager, Joseph R. Pace, presented a copy of a draft Lease Agreement between the City of

Wharton and Wharton Little League. City Manager Pace stated that this would be the first formal agreement that the City of Wharton has had with the Wharton Little League. He said the agreement lines out the responsibilities of both the City and Wharton Little League and is on a year-to-year basis until terminated by either party. After some discussion, Councilmember Terry Freese, moved to approve the City of Wharton Resolution No. 2024-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-26**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND WHARTON LITTLE LEAGUE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to approve a lease agreement with Wharton Little League and to enter into said agreement as per the requirements set forth in said agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a lease agreement with Wharton Little League.

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

Section I. That the City Council hereby approves the lease agreement between the City of Wharton and Wharton Little League.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute the lease agreement with Wharton Little League.

Section III. That the City of Wharton and Wharton Little League are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved, and Adopted this 11th of March 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 eighth item on the agenda was to review and consider a resolution of the City Council of the City of Wharton regarding Linebarger Goggan Blair & Sampson, LLP as being fully qualified as a special council to perform all legal services necessary to collect unpaid fines, fees, court costs, forfeited bonds, and restitution as provided in Texas code of criminal procedure, article 103.0031 and Section 2254.1036 of the Texas Government Code for collection of unpaid, fines, fees and court costs. City Secretary, Paula Favors, stated Linebarger Goggan Blair & Sampson, LLP collected delinquent fines and fees for the City of Wharton Municipal Court, and their contract with the City was set to expire on February 11, 2024. City Attorney, Paul Webb, stated he had reviewed the contract and was recommending that the City Council consider approving it. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-27, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-27**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS A SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION AS PROVIDED IN TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 103.0031 AND SECTION 2254.1036 OF THE TEXAS GOVERNMENT CODE FOR COLLECTION OF UNPAID, FINES, FEES AND COURT COSTS.

WHEREAS, Providing adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the consideration of a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson, LLP, and,

AFTER EXERCISING ITS DUE DILIGENCE, THE CITY OF WHARTON FINDS THAT:

1. There is a substantial need for legal services to be provided pursuant to the Contract for Fines and Fees Collection Services; and
2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wharton at a reasonable cost; and
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the collection fee authorized by the TX Code of Criminal Procedure Art. 103.0031 and because the City of Wharton does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; and

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

SECTION 1. This statement set out in the preamble to this Resolution is true and correct.

SECTION 2. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings, Texas Government Code, Chapter 551.

PASSED, APPROVED, and ADOPTED this 11th day of March 2024.

CITY OF WHARTON, TEXAS

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits from Boundtree Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director, Christy Gonzales, presented a copy of a memorandum regarding purchasing four (4) Sapphire Multi-Therapy Infusion Pump Kits. EMS Director Gonzales stated the quote was in the amount of \$10,280.75, which included a one (1) year Premium Service Plan. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-28**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF FOUR (4) SAPPHIRE MULTI-THERAPY INFUSION PUMP KITS FROM BOUNDTREE MEDICAL FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.

WHEREAS, The Emergency Medical Services Department is in need of four (4) Sapphire Multi-Therapy Infusion Pump Kits; and,

WHEREAS, The total cost of the Sapphire Multi-Therapy Infusion Pump Kits is \$10,280.75; and,

WHEREAS, The Wharton City Council wishes to approve the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits for the Emergency Medical Services Department in the amount of \$10,280.75; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents related to said purchase.

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 City Manager to execute all documents related to the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits for the Emergency Medical Services Department in the amount of \$10,280.75.

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

Passed, Approved, and Adopted this 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The tenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of Premises; Littering; Division 1. Generally, adding Sections 34-46.2 and 34-46.3 providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for separability and setting an effective date. Mayor, Tim Barker, requested the City Council consider updating Chapter 34 Health and Sanitation in the Code of Ordinances to add the following:

Sec. 34-46.2. Discarding yard waste onto street.

It shall be unlawful for any person to discard leaves, grass, weeds, or other vegetable matter by blowing, sweeping, or otherwise depositing said items into a street, Municipal Storm Sewer System, or into a drainage ditch of the City. Intentionally sweeping or blowing grass clippings into the streets or gutters is prohibited.

The Code Enforcement Department requested the following be added to the Ordinance as well:

Sec. 34-46.3 Mud or concrete deposits on paved streets from vehicles.

It shall be unlawful for any contractor, including any general contractor, to permit or allow any vehicle to enter upon a street from a building site or excavation without such contractor or such contractor's agent or employee first having removed from the wheels thereof all mud, clay or other earthen substance adhering thereto which otherwise might be dropped from or deposited by, such vehicle upon the surface of a public street or thoroughfare. For the purposes of this section, the term "general contractor" shall be that person, other than the owner of the premises constituting the construction site, to which the building permit for such construction was issued.

In addition, it shall be unlawful to permit or allow premixed concrete spillage from delivery vehicles to remain on a public street or thoroughfare.

After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2024-05, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-05**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 34 HEALTH AND SANITATION; ARTICLE II. CLEANLINESS AND SANITATION OF PREMISES; LITTERING; DIVISION 1. GENERALLY, ADDING SECTIONS 34-46.2 AND 34-46.3 PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of Premises; Littering; Division 1. Generally Adding Section 34-46.2 and Section 34-46.3. Same Performance by City shall read as follows:

Sec. 34-46.2. Discarding yard waste onto street.

It shall be unlawful for any person to discard leaves, grass, weeds, or other vegetable matter by blowing, sweeping, or otherwise depositing said items into a street, Municipal Storm Sewer System, or into a drainage ditch of the City. Intentionally sweeping or blowing grass clippings into the streets or gutters is prohibited.

Sec. 34-46.3 Mud or concrete deposits on paved streets from vehicles.

It shall be unlawful for any contractor, including any general contractor, to permit or allow any vehicle to enter upon a street from a building site or excavation without such contractor or such contractor’s agent or employee first having removed from the wheels thereof all mud, clay or other earthen substance adhering thereto which otherwise might be dropped from or deposited by, such vehicle upon the surface of a public street or thoroughfare. For the purposes of this section, the term “general contractor” shall be that person, other than the owner of the premises constituting the construction site, to which the building permit for such construction was issued.

In addition, it shall be unlawful to permit or allow premixed concrete spillage from delivery vehicles to remain on a public street or thoroughfare.

Penalty Clause

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances 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 ordinance 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.

Effective Date

This Ordinance shall become effective on the 21st day of March 2024 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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 authorizing an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project (CSJ 0913-09-133) with the Texas Department of Transportation's Transportation Alternatives Program and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the City Council approved the submission of an application for the 2023 Transportation Alternatives Funding administered through the Texas Department of Transportation. Mrs. Teves said the City received notification that the project was selected for award and funding on November 3, 2023 and the City was required to enter into an Advance Funding Agreement to move forward with the program. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-29, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-29

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AN ADVANCED FUNDING AGREEMENT FOR THE CITY OF WHARTON SCHOOL & COMMUNITY CONNECTIVITY & ACCESSIBILITY PROJECT (CSJ 0913-09-133) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council will consider an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project with the Texas Department of Transportation's Transportation Alternatives (TA) Program; and,

WHEREAS, The project will construct 3.5-miles of 5-foot-wide sidewalks from SH 60 (Milam Street) to FM 1301 (Boling Hwy). The sidewalks will be constructed along Alabama Street, N. Alabama Road, Boling Hwy (FM 1301), N. Fulton Street, and Park Lane. Additional elements include a new pedestrian bridge at the Santa Fe Trail and bicycle and pedestrian crossings at three major intersections for a total estimated cost of \$4,942,760 at a 100% maximum for preliminary engineering and construction due to Transportation Development Credits eligibility.

WHEREAS, The City of Wharton and Texas Department of Transportation wish to be bound by the conditions to be set forth in the agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project with the Texas Department of Transportation’s Transportation Alternatives (TA) Program.

Section II. The City of Wharton and the Texas Department of Transportation will hereby be bound by the conditions as set forth in the Advanced Funding Agreement.

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

PASSED, APPROVED AND ADOPTED this 11th day of March 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 a resolution of the Wharton City Council authorizing the submission of a response to TxDOT Wharton Area Office, Yoakum District, regarding the City’s support to reduce the speed limit during construction for US 59 within the City of Wharton. Director of Planning & Development, Gwyn Teves, stated that on March 1, 2024, Mr. Ryan Simper, Area Engineer, Wharton Area Office of TxDOT, requested permission from the City to reduce the speed limit within the work zone on US 59 within the City Limits from 75 mph to 60 mph. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2024-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-30**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A RESPONSE TO TXDOT WHARTON AREA OFFICE, YOAKUM DISTRICT, REGARDING THE CITY’S SUPPORT TO REDUCE THE SPEED LIMIT DURING CONSTRUCTION FOR US 59 WITHIN THE CITY OF WHARTON.

WHEREAS, the Wharton City Staff was contacted by the Texas Department of Transportation (TxDOT) about the reduction in the speed limit within the City of Wharton during US 59 Construction; and,

WHEREAS, the City of Wharton City Council and Staff support that the speed should be reduced from 75 mph to 60 mph within the City Limits throughout the construction period; and,

WHEREAS, the Texas Department of Transportation (TxDOT) is requesting the City of Wharton submit a response of approval for the reduction.

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

Section I. The Wharton City Council hereby approves the submittal of a response to the Texas Department of Transportation (TxDOT) Wharton Area Office, Yoakum District supporting that the speed within the City Limits on US 59 in the construction area be reduced from 75 mph to 60 mph.

Section II. The Wharton City Council hereby authorizes the City Staff to submit the above-mentioned response on behalf of the City of Wharton.

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

PASSED, APPROVED, and ADOPTED this 11th day of March 2024.

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 a resolution of the Wharton City Council approving Change Order No. 3 for a cost reduction at project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated the City Council awarded a contract for construction to C3 Constructors for the WWTP #1 Coarse Screen Replacement Project. Mrs.

Teves said Pay Estimate No. 7 & FINAL had been sent, and a there was a recommendation for payment by the engineer. She said as part of the closeout, Change Order No. 3 had been provided for a reduction in the total contract price of \$25,000, reducing the total contract price from \$489,642.00 to \$464,642.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-31**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 3 FOR A COST REDUCTION AT PROJECT CLOSEOUT WITH C3 CONSTRUCTORS, LLC, FOR THE WHARTON WASTEWATER TREATMENT PLANT #1 COARSE SCREEN IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 3 for the cost reduction of \$25,000 for project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement Project; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the Change Order.

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 Change Order No. 3 for cost reduction of \$25,000 for project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement Project.

Section II. The Wharton City Council hereby authorizes the Mayor to execute all documents related to the change order.

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

Passed, Approved, and Adopted this 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fourteenth item on the agenda was to review and consider Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project in the amount of \$27,032.10. After some discussion, Councilmember, Steve Schneider, moved to approve Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project in the amount of \$27,032.10. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Titus Waterline Improvements Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated that on February 23, 2024, proposals were received for the Titus Waterline Improvements. Mrs. Teves said there were four (4) submissions, and they were as follows:

1. Capital Underground Utilities
2. Osorio & Sons Construction
3. JTM Construction
4. AR TurnKee Construction Company

She said Quiddity Engineering had reviewed the submitted proposals and was recommending the award of the contract to Capital Underground Utilities. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-32**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE TITUS WATERLINE IMPROVEMENTS PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Titus Waterline Improvement Project on February 23, 2024; and,

WHEREAS, Capital Underground Utilities, LLC, was deemed the best lowest qualified bidder for the base bid amount of \$145,000.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Capital Underground Utilities, LLC, for the base bid amount of \$145,000.00; and,

WHEREAS, The City of Wharton and Capital Underground Utilities, LLC, wish to be bound by the conditions as set forth in the agreement; and,

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

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

Section I. The Wharton City Council hereby authorizes the Mayor to execute the Titus Waterline Improvement Project contract.

Section II. The City of Wharton and Capital Underground Utilities, LLC, are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 11th day of March 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 sixteenth item on the agenda was to review and consider the appointments, resignations, and vacancies to the City of Wharton Boards, Commissions, and Committees:

- A. Resignations.
- B. Appointments.
- C. Vacancies.

After some discussion, no action was taken.

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

- A. Finance Committee meeting held February 26, 2024.

After some discussion, no action was taken.

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

The meeting adjourned at 7:29 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MARCH 25, 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, Tim Barker led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Don Mueller; Burnell Neal; Larry Pittman, and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Gwyn Teves; Public Works Director, Roderick Semien; EMS Director, Christy Gonzales; Building Official, Claudia Velasquez, and Emergency Management Coordinator Lt., Ben Guanajuato.

Visitors present were: Brian Jarrad; David Voulgaris; Joel Charles; Ryan Salazar, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. Mayor Barker stated Mr. David Voulgaris was present and he was running for Councilmember District #4. He said Mr. Voulgaris' father served as the Mayor of Wharton as well.

Proclamation

Mayor Tim Barker declared the Proclamation as follows: Child Abuse Prevention and Sexual Assault Awareness Month.

**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

WHEREAS, Violence and abuse remain a significant public health issue, but communities may thrive by establishing partnerships between survivors, social service organizations, law enforcement, government and civic agencies, and victim advocates; and,

WHEREAS, 1 in 3 women and 1 in 6 men will experience unwanted sexual experiences in their lifetime, and 1 in 6 boys and 1 in 4 girls will experience child abuse before the age of 18; and,

WHEREAS, Abuse can have long-term damaging effects on the survivor that leave a mark on family, friends, and the community at large; and,

WHEREAS, Each year, the month of April is dedicated to recognizing survivors of sexual assault and child abuse while also providing prevention, awareness, education, and accessible resources; and,

WHEREAS, We dedicate ourselves to protecting vulnerable members of our community and encourage all citizens to learn more about the ongoing efforts in prevention and awareness. The Crisis Center and Department of Family & Protective Services asks the community to join in promoting public awareness and prevention throughout the month of April, including:

- ‘Start by Believing Day’ on April 3rd to support those who have been the victims of sexual violence.
- Light up the Square in El Campo, on April 11th, to recognize survivors in our communities.
- ‘Go Blue Day’, April 14th- wear blue to support awareness of child abuse.
- ‘Denim Day’, April 24th- Wear denim in support of survivors of sexual violence

Together, we can create a better future for children, families, and all citizens of Wharton.

NOW, THEREFORE, I, TIM BARKER, by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the month of April 2024 as

“Sexual Assault and Child Abuse Awareness Month”

in the City of Wharton and let it signify our commitment to supporting survivors of sexual assault and child abuse while encouraging strong criminal justice and civil system responses to end the epidemic of violence and abuse in our communities.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 25th day of March, in the year of our Lord two thousand twenty-four A.D.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for February 2024. Finance Director, Joan Andel, presented the City of Wharton Financial Report for

February 2024. After some discussion, Councilmember, Don Mueller, moved to approve the City of Wharton Financial Report for February 2024. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The second item on the agenda to view and consider was a request from Mr. Joel Charles and Ms. Barbara Galbreath for the City of Wharton to clean up a City alley. City Manager, Joseph R. Pace, presented a copy of a request from Mr. Charles and Ms. Galbreath regarding the clean-up of a City alley received by his office. After some discussion, City Manager Pace stated this office would handle the request. No action was taken.

The third item on the agenda was to review and consider a resolution by the City of Wharton, Texas (“City”) suspending the effective date for ninety days in connection with the rate increase filing made on or about March 6, 2024, by Centerpoint Energy Houston Electric LLC; authorizing the City’s continued participation in a coalition of cities known as the “Texas Coast Utilities Coalition of Cities;” authorizing participation in proceedings at the Public Utility Commission of Texas; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; requiring proof of notice; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Attorney, Paul Webb, stated that on March 6, 2024, CenterPoint Energy Houston Electric, LLC (“CEHE”) filed an application to increase its retail rates by approximately \$60 million in annual revenue, or 2.6% in comparison to current retail revenues and the increase of \$60 million was comprised of an increase of about \$17 million for retail customers and about \$43 million for wholesale transmission customers. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-33**

RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING MADE ON OR ABOUT MARCH 6, 2024, BY CENTERPOINT ENERGY HOUSTON ELECTRIC LLC; AUTHORIZING THE CITY’S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE “TEXAS COAST UTILITIES COALITION OF CITIES;” AUTHORIZING PARTICIPATION IN PROCEEDINGS AT THE PUBLIC UTILITY COMMISSION OF TEXAS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, CenterPoint Energy Houston Electric (“CEHE” or “Company”) filed a Statement of Intent with the City on or about March 6, 2024, to change its rates within the corporate limits of this municipality, specifically to increase its annual revenue for its retail transmission and

distribution services by approximately \$60 million, comprised of an increase of about \$17 million for its retail customers and about \$43 million for its wholesale transmission customers; and,

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CEHE’s rates, operations, and services within the municipality; and,

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing, analyzing, and investigating CEHE’s rate request and its changes in tariffs it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and,

WHEREAS, the City, in matters regarding applications by CEHE to change rates, has in the past joined with other local regulatory authorities to form an alliance of cities known as Texas Coast Utilities Coalition (“TCUC”) and hereby continues its participation in TCUC; and,

WHEREAS, in CEHE’s prior general rate case submitted in April 2019, in Docket No. 49421 before the Public Utility Commission of Texas (“PUCT”), CEHE requested an increase of about \$154.6 million, and the PUCT approved an increase of about \$13 million in large part due to the City’s participation in TCUC and coordination with other cities and their review of CEHE’s application; and,

WHEREAS, CEHE’s rate request consists of a voluminous amount of information, including CEHE’s rate-filing package, exhibits, schedules, and workpapers; and,

WHEREAS, CEHE’s rate application is the Company’s first general rate case since about April 2019; and,

WHEREAS, CEHE proposed April 10, 2024, as the effective date for its requested increase in rates; and,

WHEREAS, it is not reasonably possible for the City to complete its review of CEHE’s filing by April 10, 2024; and,

WHEREAS, the City will need an adequate amount of time to review and evaluate CEHE’s rate application to enable the City to adopt a final decision as a local regulatory authority with regard to CEHE’s requested rate increase; and,

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of CEHE’s application to increase rates; and,

WHEREAS, CEHE submitted a corresponding application with the Public Utility Commission of Texas on the same date as it filed its application with the City, and the Public Utility Commission’s decision could have a direct impact on the City and its citizens who are customers of CEHE and in order for the City’s participation to be meaningful it is important that the City intervene in any such proceedings at the Public Utility Commission related to CEHE’s application to increase rates, including any appeals taken from the Commission’s final order.

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. CEHE's proposed effective date for its proposed increase in rates is hereby **SUSPENDED** for ninety days beyond April 10, 2024.

Section 3. The statutory suspension period may be further extended if CEHE does not provide proper public notice of its request to increase rates, its rate-filing package is materially deficient, or by agreement.

Section 4. The City shall continue to participate in a coalition of cities known as the Texas Coast Utilities Coalition of Cities ("TCUC") and authorizes intervention in proceedings related to CEHE's Statement of Intent before the Public Utility Commission of Texas and related proceedings in courts of law.

Section 5. The City hereby orders CEHE to reimburse the City's rate case expenses consistent with the Public Utility Regulatory Act and that CEHE shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or related to proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law.

Section 6. Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law, and to retain such experts as may be reasonably necessary for review of CEHE's rate application subject to approval by the steering committee of the TCUC.

Section 7. The City, in coordination with the TCUC Steering Committee, delegates to the City Manager and/or the City Attorney, or designee of such office, review of the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CEHE for reimbursement.

Section 8. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, P.O. Box 302799, Austin, Texas 78703, and a courtesy copy to Ms. Denise Gaw, Regulatory Manager, CenterPoint Energy, 1111 Louisiana Street, Houston, Texas 77002.

Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 11. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 25th day of March 2024.

CITY OF WHARTON, TEXAS

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourth item on the agenda to review and consider was a resolution of the Wharton City Council entering into a Reimbursement Agreement with Wharton 55, LLC, for Public Improvement District No. 2 and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Finance Director, Joan Andel, presented a copy of the Reimbursement Agreement received from Wharton 55, LLC for Public Improvement District No. 2. Finance Director Andel stated the agreement set out the creation of a PID Reimbursement Fund where all bond proceeds and assessments received would be deposited, and all PID Project costs would be paid for from this fund. She said the City would not be responsible for obtaining the bond funds. Finance Director Andel stated the City's PID/TIRZ Consultants, as well as Paul Webb, City Attorney, had reviewed the document and recommended presenting it to the City Council for approval. She said the Finance Committee met on Monday, March 25, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-34, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-34**

A RESOLUTION OF THE WHARTON CITY COUNCIL ENTERING INTO A REIMBURSEMENT AGREEMENT WITH WHARTON 55, LLC, FOR PUBLIC IMPROVEMENT DISTRICT NO. 2 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to enter into a Reimbursement Agreement with Wharton 55, LLC for Public Improvement District (PID) No. 2; and,

WHEREAS, The Wharton City Council will create a Public Improvement District (PID) Reimbursement Fund where all assessments and PID bond proceeds will be deposited into, and all payments to the developer will be paid; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 all documents related to the Reimbursement Agreement with Wharton 55, LLC for Public Improvement District (PID) No. 2.

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

Passed, Approved, and Adopted this 25th day of March 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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and adopting the 2024 Wharton County Basic Emergency Plan and authorizing the Mayor to execute all documents related to said plan. On September 25, 2023, the Wharton County Basic Emergency Management Plan was approved by the Wharton County Commissioners Court to be submitted to the Texas Department of Emergency Management (TDEM) for approval. Emergency Management Coordinator, Ben Guanajuato, stated the preceding Plan was last updated and adopted in February 1996 and in previous years, the current Plan is a collaboration of Wharton County, the City of Wharton, the City of El Campo, and the City of East Bernard to adopt the updated plan. Lt. Guanajuato said the final draft of the updated Plan was prepared, and the plan was submitted to TDEM for approval and to make the approved Plan effective, the Plan needed to

be adopted by the participating entities. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-35**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND ADOPTING THE 2024 WHARTON COUNTY BASIC EMERGENCY PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

WHEREAS, The City of Wharton finds vulnerability to many potential hazards that are shared by residents of the City of Wharton and Wharton County; and,

WHEREAS, The City of Wharton and Wharton County find it in the best interest of its residents to combine resources of the City and the County by having a Wharton County Basic Emergency Plan; and,

WHEREAS, The Wharton City Council wishes to ratify and adopt the 2024 Wharton County Basic Emergency Plan; and,

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

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

Section I. The Wharton City Council hereby ratifies and adopts the 2024 Wharton County Basic Emergency Plan for the City of Wharton.

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

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

Passed, Approved, and Adopted this 25th day of March 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 sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare from Stryker Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director Christy Gonzales presented a copy of a memorandum from her regarding the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare from Stryker Medical. EMS Director Gonzales stated the quote was in the amount of \$106,635.41. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-36**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF ONE (1) POWERPRO2, STAIR CHAIR, LIFEPAK15, AND POWERPRO-PROCARE FROM STRYKER MEDICAL FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.

WHEREAS, The Emergency Medical Services Department is in need of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare to outfit a sixth ambulance; and,

WHEREAS, The total cost of the said purchase is in the amount of \$106,635.41; and,

WHEREAS, The Wharton City Council wishes to approve the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare for the Emergency Medical Services Department in the amount of \$106,635.41; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents related to said purchase.

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 City Manager to execute all documents related to the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare for the Emergency Medical Services Department in the amount of \$106,635.41.

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

Passed, Approved, and Adopted this 25th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda to review and consider was a resolution of the Wharton City Council authorizing the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control from Boundtree Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director, Christy Gonzales, presented a copy of a memorandum from her regarding the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control. EMS Director Gonzales stated the quote was in the amount of \$5,826.16. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF ONE (1) PARAPAC PLUS WITH PEEP, CPAP, AND MANUAL CONTROL FROM BOUNDTREE MEDICAL FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.

WHEREAS, The Emergency Medical Services Department is in need of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control; and,

WHEREAS, The total cost of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control is \$5,826.16; and,

WHEREAS, The Wharton City Council wishes to approve the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control for the Emergency Medical Services Department in the amount of \$5,826.16; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents related to said purchase.

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 City Manager to execute all documents related to the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control for the Emergency Medical Services Department in the amount of \$5,826.16.

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

Passed, Approved, and Adopted this 25th day of March 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving the repairs at the City of Wharton Swimming Pool and authorizing the Mayor of the City of Wharton to execute all documents related to said repairs. Public Works Director, Roderick Semien, stated the pipe flanges at the City of Wharton Swimming Pool were severely leaking in the pump house causing a damp environment along with the corrosive chlorine water rusting out different components in the pump room. Public Works Director Semien said the City Staff received one (1) quote from Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00, and that they were a member of the Buyboard Cooperative Purchasing Program. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-38, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE REPAIRS AT THE CITY OF WHARTON SWIMMING POOL AND AUTHORIZING THE MAYOR

OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID REPAIRS.

WHEREAS, One (1) quote was received from Progressive Commercial Aquatics, LLC, for the repairs at the City of Wharton Swimming Pool; and,

WHEREAS, Said quote is in the amount of \$5,200.00; and,

WHEREAS, Progressive Commercial Aquatics, LLC, is a member of the Buyboard Cooperative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to approve said repair at the City of Wharton Swimming Pool with Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00; and,

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

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

SECTION I. The Wharton City Council hereby approves said repair at the City of Wharton Swimming Pool with Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the repairs at the City of Wharton Swimming Pool.

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

PASSED AND APPROVED this 25th day of March 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The ninth item on the agenda to review and consider was a resolution of the Wharton City Council authorizing and ratifying the emergency repairs of a 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way through Ram Rod Utilities, LLC, and authorizing the City Manager of the City of Wharton to execute all documents related to said repairs. Director of Public Works, Roderick Semien, presented a copy of the invoice for the repair of a leaking 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way. Director Semien stated the leak was discovered on March 5, 2024, by the Public Works Department, and after assessing the situation, it was determined that the severity of the leak was outside their capability to repair. He said that to minimize water loss and water service interruption to the businesses along the southbound side of Highway 59, it was decided to contact Ram Rod Utilities, LLC, to repair the leak and the company completed the repairs on the 16-inch main line. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-39**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE EMERGENCY REPAIRS OF A 16-INCH GATE VALVE ON HIGHWAY 59 IN THE CITY OF WHARTON RIGHT-OF-WAY THROUGH RAM ROD UTILITIES, LLC, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID REPAIRS.

WHEREAS, Emergency Repairs were needed on a 16-inch gate valve that was leaking on Highway 59 in the City of Wharton Right-of-Way; and,

WHEREAS, The City of Wharton engaged the services of Ram Rod Utilities, LLC, to repair the gate valve; and,

WHEREAS, The total cost of the repairs was in the amount of \$9,350.00; and,

WHEREAS, The Wharton City Council ratifies the emergency repairs through Ram Rod Utilities, LLC, for the 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way and wishes to authorize the City Manager of the City of Wharton to execute all documents.

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 City Manager of the City of Wharton to execute all documents related to emergency repairs for the 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way.

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

Passed, Approved, and Adopted this 25th day of March 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 a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to develop and submit the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Public Works Director, Roderick Semien, presented a copy of the proposal from Quiddity Engineering, LLC, to assist the City of Wharton with the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) development and submission to the Texas Commission on Environmental Quality (TCEQ). Director Semien stated the service included in the agreement was assisting the City of Wharton in developing and submitting the Initial Lead Service Line Inventory (LSLI). He said that due to recent changes in the Lead and Copper Rule, the EPA required an inventory of all lead service lines within the public water system (40 CFR 141.84), and the LSLI must be completed and submitted to TCEQ by October 16, 2024. After some discussion, Councilmember, Russell Machann, moved to approve subject to funding available through the American Rescue Plan Act (AARPA), City of Wharton Resolution No. 2024-40, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-40**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH QUIDDITY ENGINEERING, LLC, TO DEVELOP AND SUBMIT THE ENVIRONMENTAL PROTECTION AGENCY’S (EPA) LEAD AND COPPER RULE REVISION (LCRR) TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 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 Quiddity Engineering, LLC, to provide professional engineering services for the development and submission of the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ); and,

WHEREAS, Quiddity Engineering, LLC, wishes to provide said services for the development and submission of the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ) ; and,

WHEREAS, The City of Wharton and Quiddity Engineering, LLC, wishes to be bound by the conditions of said Professional Engineering 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 Engineering Services Agreement with Quiddity Engineering, LLC, for the development and submission of the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ).

Section II. The City of Wharton and Quiddity Engineering, LLC, 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 25th day of March 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 eleventh item on the agenda to review and consider a resolution of the Wharton City Council approving a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to submit the City of Wharton Wastewater Treatment Plant No. 1 Application for Renewal of Permit WQ0010381001 to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Public Works Director, Roderick Semien, stated the City of Wharton's permit for the operation of Wastewater Treatment Plant No. 1 would expire on February 26, 2025, and the renewal permit application must be submitted for review no later than August 30, 2024, which was 180 calendar days before the permit expiration date. He said it was the City Staff's recommendation to engage services with Quiddity Engineering, LLC to apply on the City's behalf. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-41, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-41**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH QUIDDITY ENGINEERING, LLC, TO SUBMIT THE CITY OF WHARTON WASTEWATER TREATMENT PLANT NO. 1 APPLICATION FOR RENEWAL OF PERMIT WQ0010381001 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY 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 Quiddity Engineering, LLC, to provide professional engineering services for the TPDES Permit Renewal Application for Wastewater Treatment Plant No. 1; and,

WHEREAS, Quiddity Engineering, LLC, wishes to provide said services for the TPDES Permit Renewal Applications for Wastewater Treatment Plant No. 1; and,

WHEREAS, The City of Wharton and Quiddity Engineering, LLC, wishes to be bound by the conditions of said Professional Engineering 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 Engineering Services Agreement with Quiddity Engineering, LLC, for the TPDES Permit Renewal Application for Wastewater Treatment Plant No. 1.

Section II. The City of Wharton and Quiddity Engineering, LLC, 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 25th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

The thirteenth item on the agenda was to review and consider City Manager Reimbursement. After some discussion, Councilmember, Don Mueller, moved to approve the City Manager the Reimbursement. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider an update on the City of Wharton's ongoing projects. City Manager, Joseph R. Pace, presented the update on the City of Wharton's ongoing projects. After some discussion, no action was taken.

The fifteenth 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, Terry Freese, moved to appoint the following:

B. Appointments **Mayor's Committee on People with Disabilities** **Term Expiring:**

9e8bn

June 30, 2025

The sixteenth item on the agenda was to review and consider the Department Head Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Fire Department.
- G. Legal Department.
- H. Municipal Court.
- I. Police Department.
- J. Public Works Department.
- K. Water/Sewer Department.
- L. Weedy Lots/Sign Ordinance.
- M. Wharton Regional Airport.

After some discussion, no action was taken.

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

The meeting adjourned at 7:38 p.m.

CITY OF WHARTON, TEXAS


By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Presentation: Presentation to Oscar Del Bosque for years of service to the City of Wharton. |
| <p>Mayor Tim Baker will present a plaque to Oscar Del Bosque for his years of service to the City of Wharton.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|----------|--------------|--|
| Meeting Date: | 4/8/2024 | Agenda Item: | Presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for the placement of three (3) advertisement signs within the City of Wharton and a request for variances for the placement of the signs. |
|---------------|----------|--------------|--|


Attached you will find the request from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for the placement of three (3) advertisement signs within the City of Wharton and a request for variances for the placement of the signs. The request includes variances to the City of Wharton Code of Ordinances Chapter 66 – Signs and Advertising – Article I. – In General – Sec. 66-28. – Off-premises signs; commercial and noncommercial. They are as follows:

1. Variance from the required 80' from residential. (Richmond Rd.)
2. Variance to have a greater area than 150 square feet.
3. Variance to distance between off premise signs. (Richmond Rd.)
4. Variance from the required 50' setback.
5. Variance to the 25' height limit.

The current approximate specs for the signs are 10' x 24' for each face (240 sq ft) and 40' – 45' in height.

The Planning Commission recommends that the City Council not approve the above items as requested and is referring the matter to the City Council for a final determination. The Commission's recommendation to Mr. Reichle was that the sign face be made smaller and lower profile to be closer to the current ordinance requirements.

Mr. Reichle desired to proceed with the request to the City Council, and he will present an updated presentation to the City Council for a final determination on Monday, April 8, 2024.

| | |
|---|-------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, April 4, 2024 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

120 E. Caney • Wharton, TX 77488
Phone (979) 532-2491 • Fax (979) 532-0181

MEMORANDUM

DATE: April 3, 2024
FROM: Mike Wootton, Planning Commission Chairperson
TO: Honorable Mayor and City Council
SUBJECT: Recommendation to City Council from the Regular Called Planning Commission Meeting held Monday, April 1, 2024

The following item was discussed during the Monday, April 1, 2024, meeting:

Request and presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for placement of three (3) advertisement signs within the City of Wharton.

The request includes variances to the City of Wharton Code of Ordinances Chapter 66 – Signs and Advertising – Article I. – In General – Sec. 66-28. – Off-premises signs; commercial and noncommercial.

1. Variance from the required 80' from residential. (Richmond Rd.)
2. Variance to have a greater area than 150 square feet.
3. Variance to distance between off premise signs. (Richmond Rd.)
4. Variance from the required 50' setback.
5. Variance to the 25' height limit.

Current approximate specs for the signs are 10' x 24' for each face (240 sq ft) and 40' – 45' in height.

The Planning Commission is recommending that the City Council not approve the above items as requested and is referring it to City Council for a final determination. The Commission's recommendation to Mr. Reichle was that the sign face be made smaller and lower profile to be closer to the current ordinance requirements.

It was the desire of Mr. Reichle to proceed with the request to the City Council and Mr. Reichle will present an updated presentation to the City Council for a final determination on Monday, April 8, 2024.

If you should have any questions, please contact me. Thank You.

**CITY OF WHARTON
CITY COUNCIL
APPLICATION FOR SIGN VARIANCE**

Item-3.

NOTE: If variance request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time.

SignAd Outdoors

Name (Printed)
1010 North Loop, Houston, TX 77249

Physical Address
Multiple

Legal Address

03/28/2024

Date
PO Box 8626, Houston, TX 77249

Mailing Address
713-861-6013

Phone

Describe the variance request and the reason for requesting variance:

See attached.

SIGNATURE OF APPLICANT:

Signature
03/28/2024

Date

\$250.00
Non-Refundable Fee
Effective January 20, 2012

Planning Commission Meeting: **04/01/2024 4:30pm**
City Council Meeting: **04/08/2024 7pm**

ADJACENT PROPERTY OWNER(S):

Name

Legal Address

Name

Legal Address

Name

Legal Address

Phone

Physical Address

Phone

Physical Address

Phone

Physical Address

SIGNATURES:

Gwyneth Teves

Planning Department
Michael D. Wooten

Chairman of the Planning Commission

Mayor

03/29/2024

Date
04/01/2024

Date

Date





SignAd Outdoor and the City of Wharton Outdoor Campaign

SignAd Outdoor and the City of Wharton Outdoor Campaign

Objective:

SignAd Outdoor – To build and operate three(3) double stacked back to back 10' X 24 ' structures for a total of four(4) faces per location; representing twelve(12) total faces within the Wharton market..

In Return:

The City of Wharton will receive: The ability to advertise on one(1) sign face per structure(for a total of three(3) structures) for a 4-week campaign prior to the following annual events based on space availability.

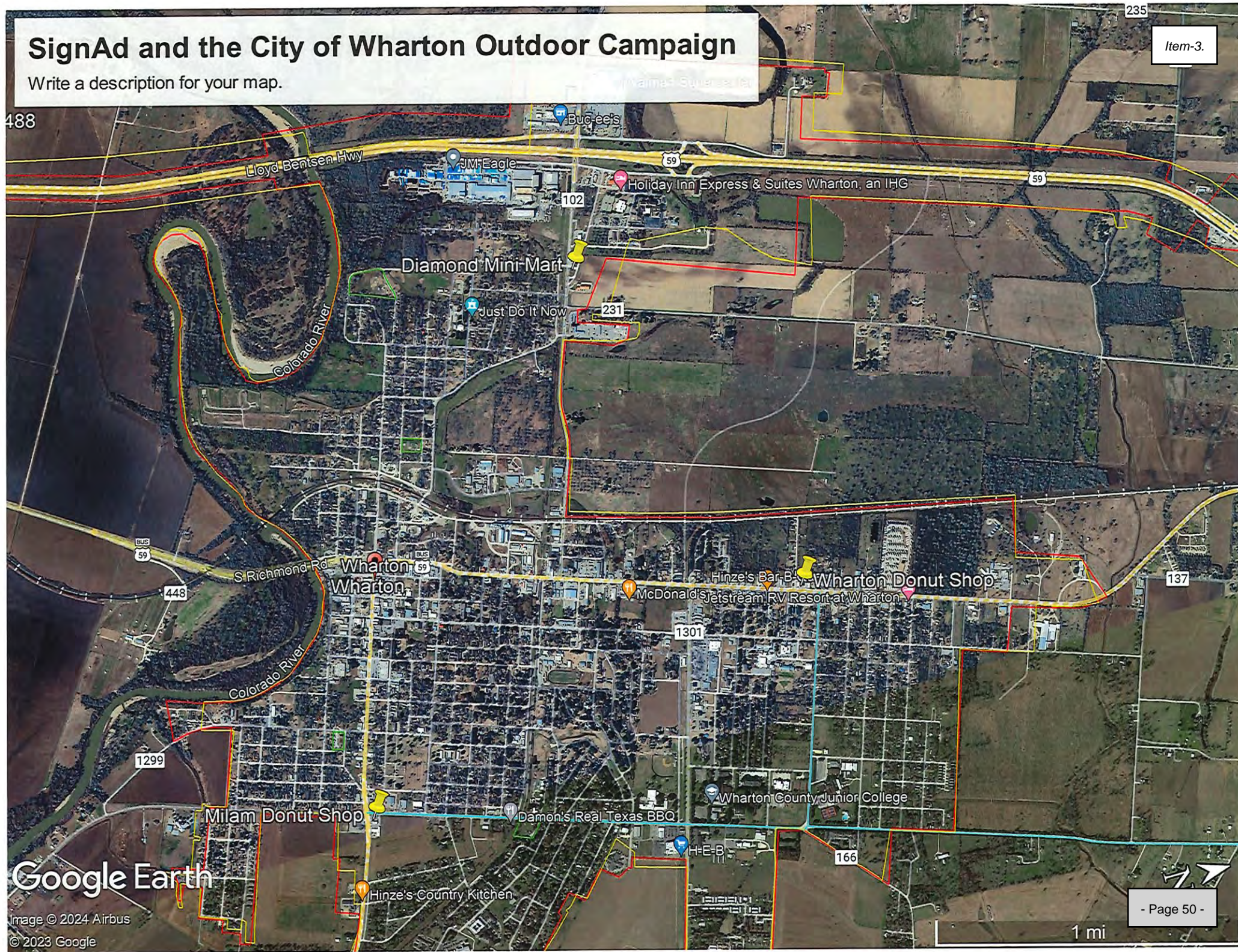
- Monterrey Square Wine Event – Fall Event
- Cops and Rodders – Spring Event
- SignAd Outdoor would incur the cost of the vinyl per location for each event

SignAd and the City of Wharton Outdoor Campaign

Write a description for your map.

Item-3.

488



Google Earth

Image © 2024 Airbus
© 2023 Google

1 mi

Diamond Mini Mart
1900 FM 102
Wharton, Texas 77488
Traffic – 8,550

Diamond Mart

1900 FM 102
Wharton, Texas 77488

Item-3.



Google Earth

Image © 2024 Airbus

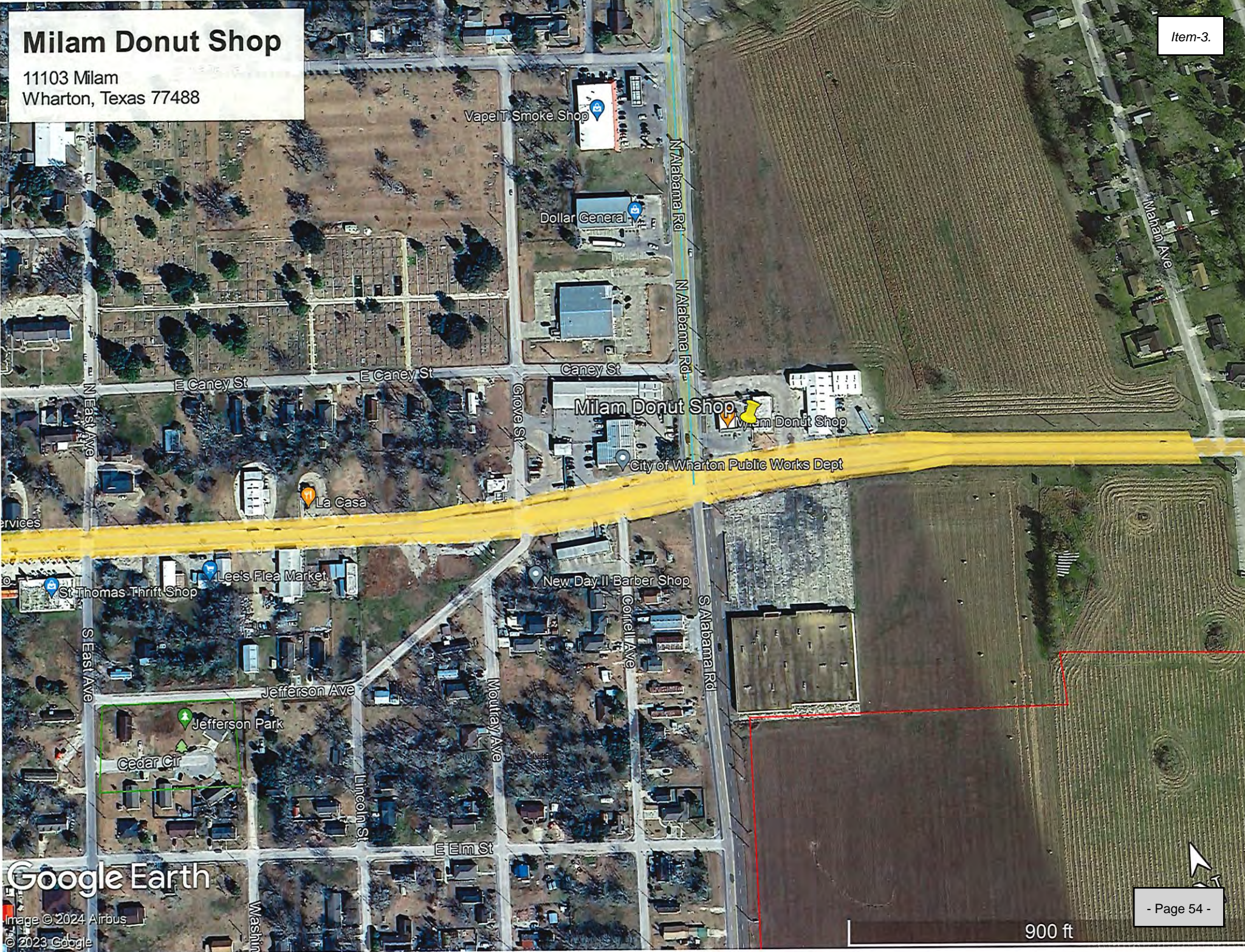
1000 ft

Milam Donut Shop
1103 Milam
Wharton, Texas 77488
Traffic – 4,321

Milam Donut Shop

11103 Milam
Wharton, Texas 77488

Item-3.



Google Earth

Image © 2024 Airbus
© 2023 Google



900 ft

**Wharton Donut Shop
2117 Richmond Road
Wharton, Texas 77488
Traffic – 15,687**

Wharton Donut Shop

2117 Richmond Road
Wharton, Texas 77488

Item-3.
Cutting Edge

Wharton Donut Shop

Pizza Hut

Barclay Ave

McElroy Ave

Evans St

Hinze's Bar-B-Que

Harmanson St

Wharton Civic Center

University

Meadow Apartments

Mays St

9ers Grill Wharton

E Boling Hwy

Old Bo

1301

Enterprise Rent-A-Car

1000 ft

Google Earth

Image © 2024 Airbus


City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|----------|--------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 15th Annual Wharton Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024: A. The use of Guffey Park. B. Placement of two trash cans with trash bags at Guffey Park. C. Allow placement of necessary signage as long as it is not placed in the right-of-way within the City. |
|---------------|----------|--------------|---|

Attached you will find the request from Mr. Ron Sanders for the above-mentioned for the Citywide Garage Sale on Friday, June 7, 2024, and Saturday, June 8, 2024.

Mr. Sanders will be present to answer any questions.

| | |
|---|-------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, April 4, 2024 |
| Approval:  | |
| Mayor: Tim Barker | |



225 N. Richmond Road, Wharton, Texas 77488
Ronald K. Sanders, Executive Director

979-532-1862

whartonchamber.com

Kristi Kocian, Board Chair

April 1, 2024

To: Joseph Pace
From: Ron Sanders
RE: 15th Annual Citywide Garage Sale

Dear Joseph,

We are planning the Chamber's 15th Annual Citywide Garage Sale, which will be Friday and Saturday, June 7 and 8, 2024.

The request, if granted, would provide space for garage sale participants looking for an alternative location or who may not have another place to use, as well as allowing us to place signs. This request is similar to last year's.

Please consider this request for Friday and Saturday June 7 and 8:

1. The use of Guffey Park.
2. Placing two trash cans, with trash bags inside, in Guffey Park.
3. Allowing us to place necessary signage as long as it is not placed in rights of way within the city.

If you have any questions, please do not hesitate to call me at 979-532-1862.

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION


| | | | |
|---------------|----------|--------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Resolution: A resolution of the City of Wharton, Texas determining the costs of certain public improvements to be financed by the Wharton Public Improvement District No. 2; accepting an updated preliminary service and assessment plan, including the updated proposed assessment rolls; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; calling a Public Hearing on May 13, 2024 to consider an ordinance levying assessments on property within the district; directing City Staff to publish and mail notice of said Public Hearing; and resolving other matters incident and related thereto. |
|---------------|----------|--------------|---|

Attached is the Preliminary Service and Assessment Plan (PSAP) received from MuniCap, Inc., our Public Improvement District (PID) Administrator for Public Improvement District No. 2. The PSAP identifies the property included in the Public Improvement District, the authorized improvements, service plan, assessment plan as well the terms of the assessments.

The City Staff has reviewed the document thoroughly with Municap, and at this time, see no issues. Also involved were Assistant City Manager Paula Favors, as well as the City’s Financial Advisor James Gilley with U.S. Capital, and at this time, neither had issues with the document. The PSAP is the next step in the process of PID No. 2. Also included is a draft resolution that approves the PSAP and calls for a Public Hearing to be held on May 13, 2024, to consider an ordinance levying assessments on the property located within the Public Improvement District No. 2.

City Attorney Paul Webb has reviewed all documents.

Finance Director Joan Andel will be present to answer any questions.

| | |
|---|-------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, April 4, 2024 |
| Approval:  | |
| Mayor: Tim Barker | |



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

Phone (979) 532-2491° Fax (979) 532-
0181

MEMORANDUM

To: Mr. Joseph R. Pace
City Manager

From: Joan Andel

Date: April 2, 2024

Re: Preliminary Service and Assessment Plan (PSAP)

Mr. Pace,

Attached is the Preliminary Service and Assessment Plan received from MuniCap, Inc., our Public Improvement District (PID) administrator for Public Improvement District No. 2. The PSAP identifies the property included in the Public Improvement District, the authorized improvements, service plan, assessment plan as well the terms of the assessments.

I have reviewed the document thoroughly with Municap, and at this time, I see no issues. I also involved Assistant City Manager Paula Favors, as well as our Financial Advisor James Gilley with U.S. Capital, and at this time, neither had issues with the document. The PSAP is the next step in the process of PID No. 2. I am including a draft resolution that approves the PSAP and calls for a Public Hearing to be held on May 13, 2024, to consider an ordinance levying assessments on the property located within the Public Improvement District No. 2.

I have forwarded the document to City Attorney, Paul Webb for his review also.

Please place this item on the City Council agenda for April 8, 2024.

Should you have any questions, please contact me.

Thank you.

WHARTON
PUBLIC IMPROVEMENT DISTRICT
No. 2

CITY OF WHARTON, TEXAS

PRELIMINARY SERVICE AND ASSESSMENT PLAN

April 8, 2024

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

WHARTON PUBLIC IMPROVEMENT DISTRICT NO. 2

PRELIMINARY SERVICE AND ASSESSMENT PLAN

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APPENDIX A - PID MAP

APPENDIX B - BUDGETED COSTS OF THE AUTHORIZED IMPROVEMENTS

APPENDIX C - DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

APPENDIX D - ASSESSMENT PER UNIT, PROJECTED LEVERAGE AND PROJECTED TAX RATE EQUIVALENTS

APPENDIX E - PID ASSESSMENT NOTICE

APPENDIX F - PROPOSED PHASE #1 ASSESSMENT ROLL

I. PLAN DESCRIPTION AND DEFINED TERMS

A. INTRODUCTION

On October 23, 2023 (the “Creation Date”) the City Council (the “City Council”) of the City of Wharton, Texas (the “City”) passed and approved Resolution No. 2023-88 approving and authorizing the creation of the Wharton Public Improvement District No. 2 (the “PID”) to finance the costs of certain public improvements for the benefit of property in such public improvement district (the “Authorized Improvements”), all of which was located within the extraterritorial jurisdiction of the City at the time the PID was created.

The property in the PID is proposed to be developed in multiple phases, and the PID will finance public improvements for each phase as each phase is developed. Assessments will be imposed on the property in each phase for the public improvements to be constructed for the benefit of that phase.

Chapter 372 of the Texas Local Government Code, the “Public Improvement District Assessment Act” (as amended, the “PID Act”), governs the creation and operation of public improvement districts within the State of Texas. The Wharton Public Improvement District No. 2 Service and Assessment Plan (the “Service and Assessment Plan”) has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan “must (i) cover a period of at least five years; (ii) define the annual indebtedness and the projected costs for improvements; and (iii) include a copy of the notice form required by Section 5.014, Property Code.” The service plan is described in Section IV of this Service and Assessment Plan. The copy of the notice form required by Section 5.014 of the Texas Property Code, as amended, is attached hereto as Appendix E.

Section 372.014 of the PID Act requires that “an assessment plan must be included in the annual service plan.” The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that “the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district.” The method of assessing the costs of the Authorized Improvements and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that “after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter.” The Assessment Roll for the PID is included as Appendix F of this Service and Assessment Plan. The Assessments as shown on the Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. DEFINITIONS

Capitalized terms used herein shall have the meanings ascribed to them as follows:

“Actual Cost(s)” means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement, as specified in a Certification for Payment that has been reviewed and approved by the City. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, City permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs include general contractor’s fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

“Additional Interest Component” means the amount collected by application of the Additional Interest.

“Additional Interest” means the 0.50% additional interest rate charged on Assessments (if applicable) pursuant to Section 372.018 of the PID Act.

“Additional Interest Reserve” has the meaning set forth in Section V.G of this Service and Assessment Plan.

“Administrator” means the employee or designee of the City, identified in any indenture of trust relating to the Bonds or in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

“Administrative Expenses” mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including

conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and other laws applicable to the Bonds, (viii) the Trustee fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses in one year shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

“Annual Installment” means, with respect to each Parcel, each annual payment of: (i) the Assessments including both principal and interest, as shown on the Assessment Rolls attached hereto as Appendix F or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) the Additional Interest Component designated for the Additional Interest Reserve described in Section V of this Service and Assessment Plan, and (iii) the Administrative Expenses.

“Annual Service Plan Update” has the meaning set forth in Section IV of this Service and Assessment Plan.

“Assessed Property” means the property that benefits from the Authorized Improvements to be provided by the PID on which Assessments have been imposed as shown in each Assessment Roll, as each Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

“Assessment” means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years including the portion of those Annual Installments collected to pay Administrative Expenses and interest on all Assessments.

“Assessment Ordinance” means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

“Assessment Revenues” mean the revenues actually received by or on behalf of the City from the collection of Assessments.

“Assessment Roll” means the Phase #1 Assessment Roll or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update.

“Authorized Improvements” mean those public improvements described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

“Bonds” mean any bonds issued by the City in one or more series and secured in whole or in part by the Assessment Revenues.

“Budgeted Cost(s)” means the amounts budgeted to construct the Authorized Improvements as used in the preparation of this Service and Assessment Plan.

“Certification for Payment” means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements.

“City” means the City of Wharton, Texas.

“City Council” means the duly elected governing body of the City.

“County” means Wharton County, Texas.

“Delinquent Collection Costs” mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney’s fees.

“Developer” means Wharton 55, LLC, a Texas limited liability company.

“Development Agreement” means that certain “Development Agreement (Wharton)” by and between the City and Wharton 55, LLC, a Texas limited liability company and related to the Property effective November 15, 2022, as assigned to the Developer, and as the same may be amended from time to time.

“Equivalent Units” mean, as to any Parcel the number of dwelling units by lot type expected to be built on the Parcel multiplied by the factors calculated and shown in Appendix F attached hereto.

“Future Phases” means Phases that are fully developed after Phase #1, as such areas are generally depicted in Appendix A. The Future Phases are subject to adjustment and are shown for example only.

“Homeowner Association” means a homeowner’s association or property owners’ association established for the benefit of property owners within the boundaries of the PID.

“Homeowner Association Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a homeowner’s association.

“Lot” means a tract of land described as a “lot” in a subdivision plat recorded in the official public records of Wharton County, Texas.

“Lot Type” means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated average home value for each home at the time of assessment levy, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

“Major Improvements” mean the Authorized Improvements which benefit all Assessed Property within the PID and are described in Section III.B.

“Major Improvement Area” means the property within the PID, excluding Phase #1, which is to be developed subsequent to Phase #1 and generally depicted in Appendix A of this Service and Assessment Plan or any Annual Service Plan Update.

“Non-Benefited Property” means Parcels that accrue no special benefit from the Authorized Improvements, including Homeowner Association Property, Public Property and easements that create an exclusive use for a public utility provider to the extent they accrue no special benefit. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI.E.

“Omnibus Reimbursement Agreement” means that certain Wharton Public Improvement District No. 2 Omnibus Reimbursement Agreement dated as of March 25, 2024, by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of the Authorized Improvements and the City agrees to reimburse the Developer with interest permitted by the PID Act solely from Assessment Revenues and/ or the net proceeds of Bonds for a portion of such Actual Costs of the Authorized Improvements funded by the Developer for Authorized Improvements constructed and accepted by the City for the benefit of the Assessed Property.

“Parcel” or **“Parcels”** means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Wharton County Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of Wharton County.

“Phase” means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the issuance of Phased PID Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Phase.

“Phase #1” means the initial Phase to be developed and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix F.

“Phase #1 Assessed Property” means all Parcels within Phase #1 other than Non-Benefited Property and shown in the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Improvements is levied.

“Phase #1 Assessment Revenues” mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for Phase #1 Improvements.

“Phase #1 Assessment Roll” means the document included in this Service and Assessment Plan as Appendix F, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

“Phase #1 Maximum Assessment Per Unit” means for Phase #1 an Assessment per unit for each applicable Lot Type as follows:

Lot Type 1 (45 Ft Lot) - \$47,486.61
Lot Type 2 (40 Ft Lot) - \$45,587.14

“Phase #1 Improvements” mean the Authorized Improvements which only benefit Phase #1 Assessed Property, which are described in Section III.C.

“Phase #1 Projects” mean (i) the pro rata portion of the Major Improvements allocable to Phase #1, and (ii) the Phase #1 Improvements.

“Phase #1 Reimbursement Agreement” means that certain Wharton Public Improvement District Phase #1 Reimbursement Agreement expected to be dated by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

“Phased PID Bonds” mean bonds issued to fund Authorized Improvements (or a portion thereof) in a Phase or in Phases. In connection with the Phased PID Bonds, Assessments will be levied only on Parcels located within the Phase(s) in question.

“PID” has the meaning set forth in Section I.A of this Service and Assessment Plan.

“PID Act” means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

“Prepayment Costs” mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

“Public Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Wharton County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

“Service and Assessment Plan” means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

“TIRZ No. 1” means the Tax Increment Reinvestment Zone No. 1, City of Wharton, Texas.

“TIRZ Credit” means, for each Parcel, the prorated amount of TIRZ Revenues calculated pursuant to Section VI of this Service and Assessment Plan.

“TIRZ Ordinance” means an ordinance adopted by the City Council authorizing the use of TIRZ Revenues for project costs under the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended, relating to the Authorized Improvements as provided for in the Tax Increment Reinvestment Zone No. 1 Project Plan and Financing Plan (including amendments or supplements thereto).

“TIRZ Revenues” mean, for each year, the amounts paid by the City from the TIRZ No. 1 tax increment fund pursuant to the TIRZ Ordinance to reduce an Annual Installment, as calculated each year by the Administrator in collaboration with the City, in accordance with Section VI of this Service and Assessment Plan.

“Trust Indenture” means an indenture of trust, ordinance or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended, and/or supplemented from time to time.

“Trustee” means the fiscal agent or trustee as specified in the Trust Indenture, including a substitute fiscal agent or trustee.

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II. PROPERTY INCLUDED IN THE PID

A. PROPERTY INCLUDED IN THE PID

The PID is presently located within the City and contains approximately 55.48 acres of land. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 223 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID.

The property within the PID is proposed to be developed as follows:

Table II-A
Proposed Development - PID

| Proposed Development | Quantity | Measurement |
|-----------------------------|-----------------|--------------------|
| 45 Ft Lot | 95 | Units |
| 40 Ft Lot | 138 | Units |
| Total | 233 | Units |

B. PROPERTY INCLUDED IN PHASE #1

Phase #1 consists of approximately 18.65 acres and is projected to consist of 99 single family residential units, to be developed as Phase #1, as further described in Section III. A map of the property within Phase #1 and depicting the boundaries is shown in Appendix A.

Table II-B
Proposed Development – Phase #1

| Proposed Development | Quantity | Measurement |
|-----------------------------|-----------------|--------------------|
| 45 Ft Lot | 51 | Units |
| 40 Ft Lot | 48 | Units |
| Total | 99 | Units |

C. PROPERTY INCLUDED IN FUTURE PHASES

The Future Phases consists of approximately 21.55 acres and is projected to consist of 124 single family residential units. A map of the property within Phase #1 and depicting the boundaries is shown in Appendix A.

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Table II-C
Proposed Development – Future Phases

| Proposed Development | Quantity | Measurement |
|-----------------------------|-----------------|--------------------|
| 45 Ft Lot | 44 | Units |
| 40 Ft Lot | 90 | Units |
| Total | 134 | Units |

As Future Phases are developed, Phased PID Bonds may be issued and/or related reimbursement agreements may be executed for each new phase. In connection with the issuance of each new Phased PID Bonds and/or execution of each reimbursement agreement, this Service and Assessment Plan will be updated to add additional details of each new Phase(s) as shown for Phase #1 in Section II.B. A map of the projected property within each Future Phase is shown in Appendix A. The Future Phases are shown for illustrative purposes only and are subject to adjustment. The current Parcels in the PID are shown on the Assessment Roll included as Appendix F.

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer’s estimate of the highest and best use of the property within the PID.

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III. DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. AUTHORIZED IMPROVEMENT OVERVIEW

372.003. Authorized Improvements

(a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.

(b) A public improvement may include:

- (i) landscaping;
- (ii) erection of fountains, distinctive lighting, and signs;
- (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;
- (iv) construction or improvement of pedestrian malls;
- (v) acquisition and installation of pieces of art;
- (vi) acquisition, construction, or improvement of libraries;
- (vii) acquisition, construction, or improvement of off-street parking facilities;
- (viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;
- (ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
- (x) the establishment or improvement of parks;
- (xi) projects similar to those listed in Subdivisions (i)-(x);
- (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement;
- (xiv) payment of expenses incurred in the establishment, administration and operation of the district; and
- (xv) the development, rehabilitation, or expansion of affordable housing

After analyzing the public improvement projects authorized by the PID Act, the City has determined at this time to undertake only Authorized Improvements listed in Section III.B and shown in the opinion of probable costs and on the diagrams included as Appendix B for the benefit of the Assessed Property. Any change to the list of Authorized Improvements will require the approval of the City and an update to this Service and Assessment Plan.

B. DESCRIPTIONS AND BUDGETED COSTS OF THE MAJOR IMPROVEMENTS

The Major Improvements descriptions are presented below as provided by the project engineer. The Budgeted Costs of the Major Improvements are shown in Table III-A. The costs shown in Table III-A are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Major Improvements are as follows:

Road Improvements

The road improvement portion of the Major Improvements consists of the construction of road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices, which benefit the Major Improvement Area. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Major Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Major Improvement Area. The water improvements will be designed and constructed according to City standards and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Major Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to Major Improvement Area. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Major Improvements consists of detention ponds, HDPE or HP storm sewer pipes and outfall structures, reinforced concrete pipes, reinforced concrete boxes, multi-reinforced box culverts, and erosion control and storm water quality features, which benefit the Major Improvement Area. The storm drainage collection system improvements

will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Landscaping and Hardscaping

The landscaping improvement consists of landscaping, hardscaping, entry monumentation, walking trails, fountains, electrical services and lighting, and playground equipment and furnishings.

Other Soft and Miscellaneous Costs

The soft and miscellaneous costs portion of the Major Improvements consists of engineering and surveying, project management fees, City inspection fees, project management fees, contingency, and other soft and miscellaneous costs.

Table III-A
Budgeted Costs – Major Improvements

| Authorized Improvements | Total Major Improvements | Phase #1 Allocated Amount | Future Phases Allocated Amount |
|--------------------------------------|---------------------------------|----------------------------------|---------------------------------------|
| Road improvements | \$200,000 | \$85,353 | \$114,647 |
| Water improvements | \$229,645 | \$98,004 | \$131,641 |
| Sanitary sewer improvements | \$215,867 | \$92,124 | \$123,743 |
| Storm drainage improvements | \$1,310,308 | \$559,190 | \$751,117 |
| Landscaping & hardscaping | \$800,000 | \$341,410 | \$458,590 |
| Other soft and miscellaneous costs | \$1,747,211 | \$745,645 | \$1,001,567 |
| Total Authorized Improvements | \$4,503,031 | \$1,921,726 | \$2,581,305 |

C. DESCRIPTIONS AND BUDGETED COSTS OF PHASE #1

The Phase #1 Improvements descriptions are presented below as provided by the project engineer. The Budgeted Costs of the Phase #1 Improvements are shown in Table III-B. The costs shown in Table III-B are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

A description of the Phase #1 Improvements are as follows:

Road Improvements

The road improvement portion of the Phase #1 Improvements consists of the construction of road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices, which benefit the Phase #1 Assessed Property. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Improvements

The water improvements portion of the Phase #1 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Phase #1 Assessed Property. The water improvements will be designed and constructed according to City standards and will be owned and operated by the City.

Sanitary Sewer Improvements

The sanitary sewer improvement portion of the Phase #1 Improvements consists of construction and installation of pipes, service lines, manholes, encasements, and appurtenances necessary to provide sanitary sewer service to Phase #1 Assessed Property. The sanitary sewer improvements will be designed and constructed according to City standards and specifications and will be owned and operated by the City.

Storm Drainage Improvements

The storm drainage improvement portion of the Phase #1 Improvements consists of detention ponds, HDPE or HP storm sewer pipes and outfall structures, reinforced concrete pipes, reinforced concrete boxes, multi-reinforced box culverts, and erosion control and storm water quality features, which benefit the Phase #1 Assessed Property. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Other Soft and Miscellaneous Costs

The soft and miscellaneous costs portion of the Major Improvements consists of engineering and surveying, project management fees, City inspection fees, project management fees, contingency, and other soft and miscellaneous costs.

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Table III-B
Budgeted Costs - Phase #1 Projects

| Authorized Improvements | Phase #1's Proportional Share of Major Improvements | Phase #1 Improvements | Total Phase #1 Projects |
|--------------------------------------|--|----------------------------------|------------------------------------|
| Road improvements | \$85,353 | \$905,361 | \$990,713 |
| Water improvements | \$98,004 | \$261,456 | \$359,460 |
| Sanitary sewer improvements | \$92,124 | \$247,678 | \$339,802 |
| Storm drainage improvements | \$559,190 | \$490,974 | \$1,050,165 |
| Landscaping & hardscaping | \$341,410 | \$0 | \$341,410 |
| Other soft and miscellaneous costs | \$745,645 | \$974,078 | \$1,719,723 |
| Total Authorized Improvements | \$1,921,726 | \$2,879,548 | \$4,801,274 |

Note: Costs provided by Wharton 55, LLC. The figures shown in Table III-B may be revised in Annual Service Plan Updates and may be reallocated between line items so long as the total Assessment relating to Phase #1 does not increase.

D. FUTURE PHASES

As Future Phases are developed and Phased PID Bonds are issued and/or related reimbursement agreements are executed, this SAP will be amended to identify the specific Future Phase Improvements that confer a special benefit to the property inside each Future Phase (e.g. a Table III-C will be added to show the costs for the specific Authorized Improvements financed within the specific Future Phase being developed.)

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IV. SERVICE PLAN

A. PROJECTED SOURCES AND USES OF FUNDS

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five year period. It is anticipated that the Major Improvements will be completed and accepted by the City in the 2nd quarter of 2024. It is anticipated that the Phase #1 Improvements will be completed and accepted by the City in the 2nd quarter of 2024. At some point after all or a portion of the Phase #1 Improvements are constructed, phase #2 will begin development, with each Future Phase to be subsequently developed corresponding to the Service and Assessment Plan to be updated with that development.

The Budgeted Costs for Phase #1 Projects and expenses incurred in the establishment, administration, and operation of the PID is \$4,866,274 as shown in Table IV-A. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an “Annual Service Plan Update.”

As Future Phases are developed in connection with the issuance of Phased PID Bonds and/or the execution of a related reimbursement agreement, this Service and Assessment Plan will be amended (e.g. Table IV-A.2 will be added for Phase #2, etc.).

Table IV-A shows the projected sources and uses for Phase #1 Projects. Tables in this Section may be rounded to the nearest whole dollar.

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Table IV-A
Projected Sources and Uses – Phase #1 Projects

| Sources of Funds | Total |
|--|--------------------|
| Par amount | \$4,610,000 |
| Other funding sources | \$256,274 |
| Total Sources | \$4,866,274 |
| Uses of Funds | |
| <i>Major Improvements:</i> | |
| Road improvements | \$85,353 |
| Water improvements | \$98,004 |
| Sanitary sewer improvements | \$92,124 |
| Storm drainage improvements | \$559,190 |
| Landscaping & retaining walls | \$341,410 |
| Other soft and miscellaneous costs | \$745,645 |
| <i>Subtotal Major Improvements</i> | <i>\$1,921,726</i> |
| <i>Phase #1 Improvements:</i> | |
| Road improvements | \$905,361 |
| Water improvements | \$261,456 |
| Sanitary sewer improvements | \$247,678 |
| Storm drainage improvements | \$490,974 |
| Other soft and miscellaneous costs | \$974,078 |
| <i>Subtotal Phase #1 Improvements</i> | <i>\$2,879,548</i> |
| <i>Other Assessment Related Costs:</i> | |
| Assessment levy fee and first year Administrative Expenses | \$65,000 |
| <i>Subtotal</i> | <i>\$65,000</i> |
| Total Uses | \$4,866,274 |

Bonds may be issued in the future; and, to the extent provided by law, the proceeds from the Bonds will be used to reimburse certain Actual Costs paid by the Developer under the terms of the Phase #1 Reimbursement Agreement and/or to pay any unpaid Actual Costs of the Authorized Improvements required to be paid under the Phase #1 Reimbursement Agreement. In the event the financing capacity of the PID is reduced by appraisals, bond underwriting standards, interest rates, etc. the Assessments will be reduced to match the actual amount of PID Bonds to be issued for Phase #1.

As Future Phases are developed, additional Phased PID Bonds may be issued and/or related reimbursement agreements executed to finance the Authorized Improvements required for each new phase. Phased PID Bonds may also be issued and/or reimbursement agreements executed in one or more series.

B. PROJECTED FIVE YEAR SERVICE PLAN

The annual projected costs and annual projected indebtedness is shown by Table IV-B. The annual projected costs and indebtedness is subject to revision, and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

**Table IV-B
Annual Projected Costs and Annual Projected Indebtedness – Phase #1 Projects**

| Year | Annual Projected Cost | Annual Projected Indebtedness | Other Funding Sources | Projected Phase #1 Annual Installments |
|--------------|------------------------------|--------------------------------------|------------------------------|---|
| 2024 | \$2,879,548 | \$4,866,274 | \$256,274 | \$157,999 |
| 2025 | \$0 | \$0 | \$0 | \$359,497 |
| 2026 | \$0 | \$0 | \$0 | \$360,083 |
| 2027 | \$0 | \$0 | \$0 | \$359,449 |
| 2028 | \$0 | \$0 | \$0 | \$359,652 |
| 2029 | \$0 | \$0 | \$0 | \$358,635 |
| 2030 | \$0 | \$0 | \$0 | \$358,456 |
| Total | \$2,879,548 | \$4,866,274 | \$256,274 | \$2,313,771 |

¹Administrative Expenses in year 1 are being funded by the Developer.

The annual projected costs shown in Table IV-B are the annual expenditures relating to the Phase #1 Projects shown in Table III-B, and the costs associated with setting up the PID. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer.

As Future Phases are developed, in association with issuing Phased PID Bonds and/ or execution of a reimbursement agreement for each Future Phase, a Table IV-C will be added to identify the Authorized Improvements to be financed by each new series of the Phased PID Bonds and/ or reimbursement agreements and the projected indebtedness resulting from each additional series of the Phases PID Bonds and/ or reimbursement agreements.

C. PID ASSESSMENT NOTICE

The PID Act requires that this Service and Assessment Plan and each Annual Service Plan Update include a copy of the notice form required by Section 5.014 of the Texas Property Code. The “PID Assessment Notice” is attached hereto as Appendix E and may be updated in an Annual Service Plan Update.

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V. ASSESSMENT PLAN

A. INTRODUCTION

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The proposed Authorized Improvement program anticipates reimbursement agreements potentially followed by a series of bond financings that are intended to finance the public infrastructure required for the development. This financing will necessarily be undertaken in phases to coincide with the private investment and development of the Authorized Improvements. Following the execution of the Phase #1 Reimbursement Agreement subsequent financings may be issued and/or executed over the upcoming decade as the subsequent phases (Phase #2 and Phase #3) of the development are gradually constructed.

The purpose of this gradual levy of assessment and related execution of a reimbursement agreement and/or issuance of bonds in phases is to mirror the actual private development of the Authorized Improvements. The levy of Assessments and related execution of a reimbursement agreement and/or issuance of bonds are most prudently and efficiently utilized when directly coinciding with construction of public infrastructure needed for private development that is to occur once the infrastructure is completed; it is most effective to issue the Bonds and/or execute the reimbursement agreement when the infrastructure is needed, not before. Furthermore, there is no economic advantage, and several disadvantages, to issuing debt and encumbering property within the PID prior to the need for the Authorized Improvements.

Additionally, phased issuance of debt will maintain a prudent value to lien ("VtL") within the financing program. In order to maintain a prudent VtL, the initial issuance of bonds and/or execution of a reimbursement agreement for a specific set of Authorized Improvements may not fund the entire desired level of public infrastructure because the property value is not high enough to support the entire debt load at the VtL chosen for the development. In that case, the Developer will need to fund the additional infrastructure costs with cash at closing. This cash investment by the Developer for certain Authorized Improvements, if necessary, can be reimbursed by a subsequent parity lien bond financing, secured by the same Assessments, once the assessed property is partially or fully developed and the value has increased sufficiently to permit the issuance of the additional bonds in a prudent fashion.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Phase #1 Improvements shall be allocated as described below:

1. The Budgeted Costs of the Phase #1 Projects are allocated to the Phase #1 Assessed Property on the basis of Equivalent Units calculated using the average home price of each Lot Type once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of the Authorized Improvements to Parcels similarly benefited.
2. The City Council has concluded that larger more expensive homes are likely to be built on the larger lots, and that larger more expensive homes are likely to make greater use of and receive greater benefit from the Authorized Improvements. In determining the relative values of Parcels, the City Council has taken in to consideration: (i) the type of development (i.e., residential, commercial, etc.), (ii) single-family lot sizes and the size of homes likely to be built on lots of different sizes, (iii) current and projected home prices provided by the Developer, (iv) the Authorized Improvements to be provided and the estimated costs, and (v) the ability of different property types to utilize and benefit from the improvements.
3. The Assessed Property is classified into different Lot Types as described in Appendix D based on the type and size of proposed development on each Parcel.
4. Equivalent Units are calculated for each Lot Type based on the relative value of each Lot Type.

At this time, it is impossible to determine with absolute certainty the amount of special benefit each Parcel within Future Phases will receive from the direct Authorized Improvements that will benefit each individual phase and that are to be financed with Phased PID Bonds. Therefore, Parcels will only be assessed for the special benefits conferred upon the Parcel at this time because of the Phase #1 Improvements.

In connection with the issuance of Phased PID Bonds and/or execution of related reimbursement agreements, this Service and Assessment Plan will be updated to reflect the special benefit each Parcel of Assessed Property within a Future Phase receives from the specific Authorized Improvements funded with those Phased PID Bonds issued and/or reimbursement agreement executed with respect to that Future Phase. Prior to assessing Parcels located within Future Phases in connection with issuance of Phased PID Bonds and/or reimbursement agreements executed, each owner of the Parcels to be assessed must acknowledge that the Authorized Improvements to be financed confer a special benefit on their Parcel and must consent to the imposition of the Assessments to pay for the Actual Costs of such Authorized Improvements.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within the PID as a result of the Phase #1 Improvements, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Phase #1 Assessed Property for such improvements, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special

benefit of the Phase #1 Improvements, to Parcels in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

As Future Phases are developed, in connection with the issuance of Phased PID Bonds and/or execution of reimbursement agreement this Service and Assessment Plan will be updated based on the City's determination of the assessment methodology for each Future Phase.

B. SPECIAL BENEFIT

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B to this Service and Assessment Plan) and the costs of issuance and payment of costs incurred in the establishment of the PID shown in Table IV-A are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as “the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.” (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are expected to be required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in

Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

The Assessments will repay financing that is on advantageous terms, as the Bonds issued to finance the Authorized Improvements will pay interest that is exempt from federal income tax. As a result, all other terms being equal (e.g., maturity, fixed vs. variable rate, credit quality), the tax-exempt bonds will have a lower interest rate than debt that is not tax-exempt. The Bonds also have a longer term than other available financings and may either be repaid or assumed by a buyer at the buyer's option. As a result of these advantageous terms, the financing provided by the PID is the most beneficial means of financing the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve: (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; (ii) the Service and Assessment Plan and the Assessment Ordinance, and (iii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be the most beneficial means of doing so. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;
2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;
3. The Authorized Improvements are required for the highest and best use of the property;
4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);
5. Financing of the costs of the Authorized Improvement through the PID is determined to be the most beneficial means of providing for the Authorized Improvements; and,
6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. ALLOCATION OF COSTS TO ASSESSED PROPERTY

The Major Improvements will provide a special benefit to all property in the PID. Accordingly, the Budgeted Costs of the Major Improvements must be allocated throughout all Assessed Property in the PID. Table V-A summarizes the allocation of Actual Costs for each type of Major Improvement to Phase #1 and the Future Phases. The Budgeted Costs shown in Table V-A are estimates and may be revised in Annual Service Plan Updates, but the related Assessment may not be increased.

Phase #1 is projected to contain 99 single family residential units, and the Major Improvement Area is projected to contain 233 single family residential units. As shown in Appendix D, the total projected Equivalent Units for Phase #1 is calculated as 97.08, and the total projected Equivalent Units for the Major Improvement Area is calculated as 227.48. As a result, 42.68 percent of the Budgeted Costs of the Major Improvements (i.e. $97.08 \div 227.48 = 42.68\%$) are allocated to the Phase #1 Assessed Property, and 57.32 percent of the Budgeted Costs of the Major Improvements (i.e., $130.40 \div 227.48 = 57.32\%$) are allocated to Future Phases. One hundred percent (100%) of the Phase #1 Improvements are allocated to the Phase #1 Assessed Property. The Phase #1 Reimbursement Agreement will fund the Budgeted Costs of the Phase #1 Projects. One hundred percent (100%) of the Phase #1 Improvements are allocated to the Phase #1 Assessed Property.

Table V-A
Allocation of the Budgeted Costs of the Major Improvements

| Authorized Improvement | Total |
|---|--------------------|
| Road Improvements | \$200,000 |
| Water Improvements | \$229,645 |
| Sanitary Sewer Improvements | \$215,867 |
| Storm Drainage Improvements | \$1,310,308 |
| Landscaping & Retaining Walls | \$800,000 |
| Other Soft and Miscellaneous Costs | \$1,747,211 |
| Total Major Improvements¹ | \$4,503,031 |
| Phase #1 | |
| Projected total number of Equivalent Units | 99 |
| % of total Equivalent Units | 42.68% |
| Proportionate Share of Costs | \$1,921,726 |
| Future Phases | |
| Projected total number of Equivalent Units | 134 |
| % of total Equivalent Units | 57.32% |
| Proportionate Share of Costs | \$2,581,305 |

¹See Table III-A for details.

D. ASSESSMENT METHODOLOGY

The costs of the Authorized Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The costs of the Authorized Improvements may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

1. Assessment Methodology for Phase #1

For purpose of this Service and Assessment Plan, the City Council has determined that the Budgeted Costs of the Phase #1 Projects to be financed with the Phase #1 Reimbursement Agreement, shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated number of Equivalent Units anticipated to be developed on each Parcel.

Based on the Budgeted Costs of the Phase #1 Projects, as set forth in Table III-B, the City Council has determined that the benefit to Phase #1 Assessed Property of the Phase #1 Projects is at least equal to the Assessments levied on the Phase #1 Assessed Property.

Upon subsequent divisions of any Parcel of Phase #1 Assessed Property, the Assessment applicable to it will then be apportioned pro rata based on the estimated Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated Equivalent Units at the time residential Lots are platted to the total estimated Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

2. Assessment Methodology for Future Phases

When any given Future Phase is developed, and Phased PID Bonds for that Future Phase are to be issued and/or a reimbursement agreement, this Service and Assessment Plan will be amended to determine the assessment methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited within that Phase.

E. ASSESSMENTS

The Assessments for the Phase #1 Reimbursement Agreement will be levied on each Parcel or Lot according to the Phase #1 Assessment Roll. The Annual Installments for the Phase #1 Reimbursement Agreement will be collected on the dates and in the amounts shown on the Phase

#1 Assessment Roll, subject to revisions made during an Annual Service Plan Update. Non-Benefited Property will not be subject to any Assessments.

See Appendix D for Assessment per unit, leverage, and estimated tax rate equivalent calculation details.

F. ADMINISTRATIVE EXPENSES

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

G. ADDITIONAL INTEREST RESERVE

Pursuant to the PID Act, the interest rate for Assessments may exceed the actual interest rate per annum paid on the related Bonds, **if and when Bonds are issued**, by no more than one half of one percent (0.50%) (the “Additional Interest”). The interest rate used to determine the Assessments is one half of one percent (0.50%) per annum higher than the actual rate paid on the Bonds, with the Additional Interest Component of the Annual Installments allocated to fund a reserve to be used for paying interest associated with a prepayment and to offset any possible delinquency related costs (the “Additional Interest Reserve”). The Additional Interest Reserve shall be funded until it reaches 5.50% of the outstanding Bonds unless otherwise stipulated in the Bond documents. Once the Additional Interest Reserve is funded in full, the City may allocate the Additional Interest Component of the Annual Installments as provided in the applicable Trust Indenture.

H. TIRZ CREDIT

Pursuant to the TIRZ Ordinance, the City has agreed to use TIRZ Revenues representing 50% of the City’s total increments generated from each Parcel to offset a portion of such Parcel’s Assessments (the “TIRZ Annual Credit Amount”). The Annual Installment for each Parcel shall be calculated by taking into consideration any TIRZ Annual Credit Amount applicable to the Parcel then on deposit in the TIRZ No. 1 tax increment fund. The TIRZ Annual Credit Amount applicable to each Parcel shall be calculated as described under Section VI of this Service and Assessment Plan.

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VI. TERMS OF THE ASSESSMENTS

A. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN PHASE #1

The Assessment and Annual Installments for each Assessed Property located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected from Phase #1 Assessed Property in an amount sufficient to pay (i) principal and interest on the Phase #1 Reimbursement Agreement and (ii) to pay Administrative Expenses related to the PID. If and when phase # 1 Bonds are issued, the Annual Installments shall include Additional Interest as described in Section V.G. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and TIRZ Annual Credit Amount applicable to the Parcel. The TIRZ Annual Credit Amount shall be calculated separately for each Parcel and such TIRZ Annual Credit Amount shall be applied on a Parcel-by-Parcel basis. As described in Section V.H., the TIRZ Revenues attributable to each Parcel of Assessed Property collected in any given year shall be used to calculate each Parcel's TIRZ Annual Credit Amount for such Parcel in the following year (i.e., TIRZ Revenues collected in 2025 shall be used to calculate the TIRZ Annual Credit Amount applicable to Annual Installments to be collected in 2026). TIRZ Annual Credit Amounts shall be calculated for those Parcels that are subject to Assessments in the PID. The number of units to be used for the calculation of the TIRZ Annual Credit Amount, if applicable, shall be determined by the Administrator based on the information available to the Administrator at the time of such calculations.

B. AMOUNT OF ASSESSMENTS AND ANNUAL INSTALLMENTS FOR PARCELS LOCATED WITHIN FUTURE PHASES

As Future Phases are developed, this Service and Assessment Plan will be amended to determine the Assessment and Annual Installments for each Assessed Property located within Future Phases (e.g., an Appendix will be added as the Assessment Roll for phase #2, etc.). The Assessments shall not exceed the benefit received by the Assessed Property.

C. REALLOCATION OF ASSESSMENTS

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment for each new subdivided Parcel
- B = the Assessment for the Parcel prior to subdivision
- C = the estimated number of Equivalent Units to be built on each new subdivided Parcel
- D = the sum of the estimated number of Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of Equivalent Units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of Equivalent Units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

D. MANDATORY PREPAYMENT OF ASSESSMENTS

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.

2. If at any time the Assessment per Unit on a Parcel exceeds the applicable Phase #1 Maximum Assessment per Unit calculated in this Service and Assessment Plan as a result of any changes in land use, subdivision, consolidation or reallocation of the Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment per Unit for the Parcel exceeds the applicable Phase #1 Maximum Assessment per Unit calculated in this Service and Assessment Plan.

3. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the PID Act.

E. REDUCTION OF ASSESSMENTS

1. If after all Authorized Improvements to be funded with a series of Bonds and/or the Phase #1 Reimbursement Agreement, respectively, have been completed and Actual Costs for such Authorized Improvements are less than the Budgeted Costs of the Authorized Improvements used to calculate the Assessments securing such Bonds and/or the Phase #1 Reimbursement Agreement, respectively, resulting in excess Bond proceeds being available to redeem Bonds and/or a need to reduce the obligation under the Phase #1 Reimbursement Agreement, as the case may be, and such excess Bond proceeds shall be applied to redeem Bonds as provided in the Indenture, or to reduce the obligation under the Phase #1 Reimbursement Agreement, as provided in the Phase #1 Reimbursement Agreement, then the Assessment securing such Bonds and/or Phase #1 Reimbursement Agreement, for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs. The Assessments shall not be reduced to an amount less than the related outstanding Bonds and/or obligation under the Phase #1 Reimbursement Agreement, respectively. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If all the Authorized Improvements are not undertaken, resulting in excess Bond proceeds being available to redeem Bonds and/or a need to reduce the obligations under the Phase #1 Reimbursement Agreement, respectively, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay the Bonds and/or repay obligations under the Phase #1 Reimbursement Agreement, respectively, including interest on the Bonds and Administrative Expenses, and, in such event, any such excess bond proceeds shall be applied to redeem Bonds. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel or (ii) by an equal percentage calculated based on number of units, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel such that the sum of the resulting reduced Assessments equals the amount required to repay the Bonds and/or repay obligations under the Phase #1 Reimbursement Agreement, respectively, including interest on the Bonds thereon and Administrative Expenses. The principal portion of the Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced principal portion of the Bonds and/or obligations under the Phase #1 Reimbursement Agreement, respectively, is equal to the outstanding principal amount of the Bonds and/or the amounts outstanding under the Phase #1 Reimbursement Agreement, respectively.

F. PAYMENT OF ASSESSMENTS

1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Such payment shall include all Prepayment Costs. If prepayment in full will result in redemption of Bonds, the payment amount shall be reduced by the amount, if any, of interest through the date of redemption of Bonds and reserve funds applied to the redemption under the Trust Indenture, net of any other costs applicable to the redemption of Bonds.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The PID Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the PID Act authorizes the Assessment to be paid in installments and additionally allows the City to collect interest, administrative expenses and other authorized charges in installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown on the Assessment Rolls, as updated as provided for herein, which include interest, Administrative Expenses, and payments required for the Additional Interest Reserve. Payment of the Annual Installments shall commence with tax bills mailed after the initial issuance of Bonds.

Phase #1

Each Assessment levied against the Assessed Property for the Authorized Improvements shall be paid with an estimated interest rate of no more than the actual interest rate paid on the Phase #1 Reimbursement Agreement. Interest on the Phase #1 Reimbursement Agreement shall be paid based on an estimated interest rate of 5.77% per annum for years 1 through 5 and 5.77% per annum following the fifth Annual Installment. The interest on the Phase #1 Reimbursement Agreement shall be paid at a rate not to exceed five hundred basis points (5.00%) above the highest average index rate for tax-exempt bond reported in a daily or weekly bond index approved by the

City and reported in the month prior to the establishment of the Assessments securing such portion of the Phase #1 Reimbursement Agreement and continuing for a period of five years from such date. Such rate shall then adjust and shall not exceed two hundred basis points (2.00%) above the bond index rate described above and shall continue until the Assessments are paid in full. The index approved by the City is the *Bond Buyer Index* for which the highest average rate during the previous thirty days prior to the levy of Assessments on the Assessed Property securing the Phase #1 Reimbursement Agreement was 3.77%. The City has determined that the Phase #1 Reimbursement Agreement shall bear interest at the interest rate of 5.77% per annum for years 1 through 5 and 5.77% per annum following the fifth Annual Installment, which rates are equal to or less than the initial maximum allowable rate of interest of 8.67% for years 1 through 5 and equal to the maximum allowable rate of interest following the fifth Annual Installment, which would be 5.77%. Furthermore, the Annual Installments of the Assessments levied against the Assessed Property for the Authorized Improvements may not exceed the amounts shown on the Phase #1 Assessment Roll. The Phase #1 Assessment Roll is shown as Appendix F.

Reduction of Assessments

The Annual Installments shall be reduced to equal the actual costs of repaying the Phase #1 Reimbursement Agreement, the Bonds, if any, and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

The City reserves and shall have the right and option to refund the Bonds, if any, and/or issue additional Bonds in accordance with Section 372.027 of the PID Act. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installments so that total Annual Installments of Assessments will be produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute Bonds for purposes of this Service and Assessment Plan.

G. COLLECTION OF ANNUAL INSTALLMENTS

No less frequently than annually, the Administrator shall prepare, and the City Council shall consider, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Trust Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, including any existing deposits for a prepayment reserve and any applicable TIRZ Credits. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to

the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the PID Act.

Each Annual Installment, including the interest on the unpaid amount of an Assessment, shall be calculated as of September 1 and updated annually. Each Annual Installment together with interest thereon shall be delinquent if not paid prior to February 1 of the following year.

The collection of the first Annual Installment for a Phase #1 Lot or Parcel shall commence upon the earlier of: (i) with tax bills sent the first October after issuance of a series of Bonds, or (ii) September 1, 2024, such that all Assessments in the applicable Phase begin collection immediately after the expiration of such two year period.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such property as they become due and payable.

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VII. THE ASSESSMENT ROLL

A. PHASE #1 ASSESSMENT ROLL

The City Council has evaluated each Parcel in Phase #1 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Homeowner Association Property, the Public Property, the types of public improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within Phase #1.

The Phase #1 Assessed Property has been assessed for the special benefits conferred upon the property resulting from the Phase #1 Projects. Table VII-A summarizes the \$4,866,274 in special benefit received by the Phase #1 Assessed Property from the Phase #1 Projects, a portion of the costs of the PID formation. The par amount of the Phase #1 Reimbursement Agreement is \$4,610,000, which is less than or equal to the benefit received by the Phase #1 Assessed Property. Accordingly, the total Assessment to be applied to all the Phase #1 Assessed Property is \$4,610,000 plus annual Administrative Expenses. The Assessment for each Phase #1 Assessed Property is calculated based on the allocation methodologies described in Section V.D. The Phase #1 Assessment Roll is attached hereto as Appendix F.

Table VII-A
Phase #1
Special Benefit Summary

| Special Benefit | Total Cost |
|--|--------------------|
| Total Phase #1 Projects ¹ | \$4,801,274 |
| Other Assessment Related Costs | |
| Assessment levy fee and first year Administrative Expenses | \$65,000 |
| Total Special Benefit | \$4,866,274 |
| Special Benefit: | |
| Total Special Benefit | \$4,866,274 |
| Projected Assessment | \$4,610,000 |
| Excess Benefit | \$256,274 |

¹ See Table III-B for details.

B. FUTURE PHASES ASSESSMENT ROLL

As Future Phases are developed, this SAP will be amended to determine the Assessment for each Parcel or Lot located within such Future Phase (e.g. an appendix will be added as the Assessment Roll for Future Phase).

C. ANNUAL ASSESSMENT ROLL UPDATES

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phase #1 Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by this Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.G of this Service and Assessment Plan.

Once the Bonds are issued, the Assessment Rolls shall be updated, which update may be done in the next Annual Service Plan Update, to reflect any changes resulting from the issuance of the Bonds. This update shall reflect the actual interest on the Bonds on which the Annual Installments shall be paid, any reduction in the Assessments, and any revisions in the Actual Costs to be funded by the Bonds and Developer funds.

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VIII. MISCELLANEOUS PROVISIONS

A. ADMINISTRATIVE REVIEW

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. TERMINATION OF ASSESSMENTS

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. AMENDMENTS

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

The City Council reserves the right to the extent permitted by the PID Act to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels:(i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan.

D. ADMINISTRATION AND INTERPRETATION OF PROVISIONS

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture, such determination shall be conclusive.

E. SEVERABILITY

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or 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 Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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APPENDIX A
PID MAP

APPENDIX B
BUDGETED COSTS OF AUTHORIZED IMPROVEMENTS

APPENDIX C
DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

APPENDIX D
ASSESSMENT PER UNIT, PROJECTED LEVERAGE AND PROJECTED TAX RATE
EQUIVALENTS

Appendix D

For purposes of calculating and allocating the Assessments, the Assessed Property has been classified in one of two Lot Types.

“**Lot Type 1**” means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 45 feet.

“**Lot Type 2**” means lots identified as such on the Assessment Roll, being lots typically with a Lot width of approximately 40 feet.

A) Proposed Development

The following table shows the proposed residential units to be developed within the PID.

Table D-1
Proposed Development within the PID

| Description | Proposed Development | |
|--------------------|----------------------|-------|
| Lot Type 1 (45 Ft) | 95 | Units |
| Lot Type 2 (40 Ft) | 138 | Units |
| Total | 233 | Units |

Table D-2 below shows the proposed residential units within Phase #1.

Table D-2
Proposed Development – Phase #1

| Description | Proposed Development | |
|--------------------|----------------------|-------|
| Lot Type 1 (45 Ft) | 51 | Units |
| Lot Type 2 (40 Ft) | 48 | Units |
| Total | 99 | Units |

Table D-3 below shows the proposed residential units within Future Phases.

Table D-3
Proposed Development – Future Phases

| Description | Proposed Development | |
|--------------------|----------------------|-------|
| Lot Type 1 (45 Ft) | 44 | Units |
| Lot Type 2 (40 Ft) | 90 | Units |
| Total | 134 | Units |

B) Calculation of Equivalent Units

As explained under Section V, for purpose of this Service and Assessment Plan, the City Council has determined that the Budgeted Costs of the Authorized Improvements to be financed with the Bonds shall be allocated to the Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Plan, the City Council has determined that the Assessments shall be allocated to the Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 45 Ft lots, 40 Ft lots, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the “Lot Types” defined above. These classifications (from Lot Type 1 (45 Ft Lots) representing the highest value to Lot Type 2 (40 Ft Lot) representing the lowest value for residential lots are set forth in Table D-1. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (45 Ft Lots) to 1.0.

Table D-4
Equivalent Unit Factors

| Lot Type | Estimated Average Value | Equivalent Unit Factor | |
|--------------------|--------------------------------|-------------------------------|-------------------|
| Lot Type 1 (45 Ft) | \$250,000 | 1.00 | per dwelling unit |
| Lot Type 2 (40 Ft) | \$240,000 | 0.96 | per dwelling unit |

The total Equivalent Units for the PID are shown in Table D-5 as calculated based on the Equivalent Unit factors shown in Table D-4, estimated Lot Types and number of units estimated to be built within the PID.

Table D-5
Equivalent Units- PID

| Description | Planned No. of Units | Equivalent Unit Factor | Total Equivalent Units |
|--------------------|-----------------------------|-------------------------------|-------------------------------|
| Lot Type 1 (45 Ft) | 95 | 1.00 | 95.00 |
| Lot Type 2 (40 Ft) | 138 | 0.96 | 132.48 |
| Total | 233 | | 227.48 |

The total Equivalent Units for Phase #1 are shown in Table D-6 as calculated based on the Equivalent Unit factors shown in Table D-4, estimated Lot Types and number of units estimated to be built in Phase #1 in the PID.

Table D-6
Equivalent Units- PID

| Description | Planned No. of Units | Equivalent Unit Factor | Total Equivalent Units |
|--------------------|-----------------------------|-------------------------------|-------------------------------|
| Lot Type 1 (45 Ft) | 51 | 1.00 | 51.00 |
| Lot Type 2 (40 Ft) | 48 | 0.96 | 46.08 |
| Total | 99 | | 97.08 |

C) Allocation of Assessments to Lots within Phase #1

The total amount of the Phase #1 Reimbursement Agreement, which represents the total Assessment to be allocated on all Parcels within Phase #1, is \$4,610,000. As shown above, there are a total of 99 residential units, resulting in an Assessment per Unit of \$47,486.61 (i.e. $\$4,610,000 \div 99 = \$47,486.61$).

Table D-7 sets forth the Assessment per dwelling unit within Phase #1.

Table D-7
Assessment Per Unit – Phase #1

| Description | Planned No. of Units | Assessment per Equivalent Unit | Equivalent Unit Factor | Assessment per Unit | Total Assessments |
|--------------------|-----------------------------|---------------------------------------|-------------------------------|-------------------------------|--------------------------|
| Lot Type 1 (45 Ft) | 51 | \$47,486.61 | 1.00 | \$47,486.61 per dwelling unit | \$2,421,817 |
| Lot Type 2 (40 Ft) | 48 | \$47,486.61 | 0.96 | \$45,587.14 per dwelling unit | \$2,188,183 |
| Total | 99 | | | | \$4,610,000 |

The projected leverage calculated based on the estimated land values, finished lot values and home values for each unit is shown in Table D-8 below.

Table D-8
Projected Leverage – Phase #1

| Description | Planned No. of Units | Estimated Finished Lot Value per unit | Projected Home Value per unit | Assessment per Unit¹ | Leverage (Lot Value) | Leverage (Home Value) |
|--------------------|-----------------------------|--|--------------------------------------|--|-----------------------------|------------------------------|
| Lot Type 1 (45 Ft) | 51 | \$54,000 | \$250,000 | \$47,486.61 | 1.14 | 5.26 |
| Lot Type 2 (40 Ft) | 48 | \$48,000 | \$240,000 | \$45,587.14 | 1.05 | 5.26 |

The projected tax rate equivalent per unit based on the estimated finished lot values and home values for each unit is shown in Table D-9.

Table D-9
Estimated Tax Rate Equivalent per unit – Phase #1

| Description | Planned No. of Units | Estimated Finished Lot Value per unit | Projected Home Value per unit | Projected Average Annual Installment per unit | Tax Rate Equivalent (per \$100 Lot Value) | Tax Rate Equivalent (per \$100 Home Value) |
|--------------------|-------------------------------------|--|--|--|--|---|
| Lot Type 1 (45 Ft) | 51 | \$54,000 | \$250,000 | \$3,690.44 | \$6.83 | \$1.48 |
| Lot Type 2 (40 Ft) | 48 | \$48,000 | \$240,000 | \$3,542.83 | \$7.38 | \$1.48 |

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

APPENDIX E
PID ASSESSMENT NOTICE

AFTER RECORDING RETURN TO:

_____]¹

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
CITY OF WHARTON, TEXAS
CONCERNING THE FOLLOWING PROPERTY

STREET ADDRESS

LOT TYPE _____ **PRINCIPAL ASSESSMENT: \$**_____

As the purchaser of the real property described above, you are obligated to pay assessments to the City of Wharton, Texas (the "City"), for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within *Wharton Public Improvement District No. 2* (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from the City. The exact amount of each annual installment will be approved each year by the City Council in the annual service plan update for the district. More information about the assessments, including the amounts and due dates, may be obtained from the City.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

¹ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Wharton County.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF
PURCHASER

SIGNATURE OF
PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER]²

² To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE:

DATE:

SIGNATURE OF
PURCHASER

SIGNATURE OF
PURCHASER

STATE OF TEXAS §
 §
COUNTY OF WHARTON §

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]³

³ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Wharton County.

The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER

STATE OF TEXAS

§

§

COUNTY OF WHARTON

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]⁴

⁴ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Wharton County.

APPENDIX F
PROPOSED PHASE #1 ASSESSMENT ROLL

Appendix F-1
Proposed Phase #1 Assessment Roll

| | |
|-------------------|------------------------|
| Parcel | 55729 and 31753 |
| Units | 227.48 |
| Assessment | \$4,610,000 |

| Year ¹ | Principal | Interest ² | Administrative Expenses ³ | Total Annual Installment |
|-------------------|--------------------|-----------------------|--------------------------------------|--------------------------|
| 9/30/24 | \$0 | \$132,999 | \$25,000 | \$157,999 |
| 9/30/25 | \$68,000 | \$265,997 | \$25,500 | \$359,497 |
| 9/30/26 | \$72,000 | \$262,073 | \$26,010 | \$360,083 |
| 9/30/27 | \$75,000 | \$257,919 | \$26,530 | \$359,449 |
| 9/30/28 | \$79,000 | \$253,592 | \$27,061 | \$359,652 |
| 9/30/29 | \$82,000 | \$249,033 | \$27,602 | \$358,635 |
| 9/30/30 | \$86,000 | \$244,302 | \$28,154 | \$358,456 |
| 9/30/31 | \$91,000 | \$239,340 | \$28,717 | \$359,057 |
| 9/30/32 | \$95,000 | \$234,089 | \$29,291 | \$358,380 |
| 9/30/33 | \$100,000 | \$228,607 | \$29,877 | \$358,485 |
| 9/30/34 | \$105,000 | \$222,837 | \$30,475 | \$358,312 |
| 9/30/35 | \$110,000 | \$216,779 | \$31,084 | \$357,863 |
| 9/30/36 | \$116,000 | \$210,432 | \$31,706 | \$358,138 |
| 9/30/37 | \$122,000 | \$203,739 | \$32,340 | \$358,079 |
| 9/30/38 | \$128,000 | \$196,699 | \$32,987 | \$357,686 |
| 9/30/39 | \$135,000 | \$189,314 | \$33,647 | \$357,960 |
| 9/30/40 | \$142,000 | \$181,524 | \$34,320 | \$357,844 |
| 9/30/41 | \$149,000 | \$173,331 | \$35,006 | \$357,337 |
| 9/30/42 | \$157,000 | \$164,734 | \$35,706 | \$357,440 |
| 9/30/43 | \$166,000 | \$155,675 | \$36,420 | \$358,095 |
| 9/30/44 | \$174,000 | \$146,096 | \$37,149 | \$357,245 |
| 9/30/45 | \$184,000 | \$136,057 | \$37,892 | \$357,948 |
| 9/30/46 | \$194,000 | \$125,440 | \$38,649 | \$358,089 |
| 9/30/47 | \$204,000 | \$114,246 | \$39,422 | \$357,668 |
| 9/30/48 | \$215,000 | \$102,475 | \$40,211 | \$357,686 |
| 9/30/49 | \$227,000 | \$90,070 | \$41,015 | \$358,085 |
| 9/30/50 | \$239,000 | \$76,972 | \$41,835 | \$357,807 |
| 9/30/51 | \$252,000 | \$63,182 | \$42,672 | \$357,854 |
| 9/30/52 | \$266,000 | \$48,641 | \$43,526 | \$358,167 |
| 9/30/53 | \$281,000 | \$33,293 | \$44,396 | \$358,689 |
| 9/30/54 | \$296,000 | \$17,079 | \$45,284 | \$358,363 |
| Total | \$4,610,000 | \$5,236,564 | \$1,059,486 | \$10,906,050 |

¹The 9/30/XX dates represent the fiscal year end for the Phase #1 Reimbursement Agreement.

² The interest is calculated using an estimated 5.77% interest rate for years 1 through 5 and an estimated 5.77% interest rate for years 6 through 30 on the obligations under the Phase #1 Reimbursement Agreement for the Phase #1 Projects.

³Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

⁴Annual Installment does not include any credit from the TIRZ Annual Credit Amount.

Appendix F-2
Proposed Phase #1 Assessment Roll by Lot Type

| | |
|-------------------|---------------------------|
| Lot Type | Lot Type 1 (45 Ft) |
| Units | 1.00 |
| Assessment | \$47,486.61 |

| Year ¹ | Principal | Interest ² | Administrative Expenses ³ | Total Annual Installment |
|-------------------|-----------------|-----------------------|--------------------------------------|--------------------------|
| 9/30/24 | \$0 | \$1,370 | \$258 | \$1,628 |
| 9/30/25 | \$700 | \$2,740 | \$263 | \$3,703 |
| 9/30/26 | \$742 | \$2,700 | \$268 | \$3,709 |
| 9/30/27 | \$773 | \$2,657 | \$273 | \$3,703 |
| 9/30/28 | \$814 | \$2,612 | \$279 | \$3,705 |
| 9/30/29 | \$845 | \$2,565 | \$284 | \$3,694 |
| 9/30/30 | \$886 | \$2,516 | \$290 | \$3,692 |
| 9/30/31 | \$937 | \$2,465 | \$296 | \$3,699 |
| 9/30/32 | \$979 | \$2,411 | \$302 | \$3,692 |
| 9/30/33 | \$1,030 | \$2,355 | \$308 | \$3,693 |
| 9/30/34 | \$1,082 | \$2,295 | \$314 | \$3,691 |
| 9/30/35 | \$1,133 | \$2,233 | \$320 | \$3,686 |
| 9/30/36 | \$1,195 | \$2,168 | \$327 | \$3,689 |
| 9/30/37 | \$1,257 | \$2,099 | \$333 | \$3,688 |
| 9/30/38 | \$1,319 | \$2,026 | \$340 | \$3,684 |
| 9/30/39 | \$1,391 | \$1,950 | \$347 | \$3,687 |
| 9/30/40 | \$1,463 | \$1,870 | \$354 | \$3,686 |
| 9/30/41 | \$1,535 | \$1,785 | \$361 | \$3,681 |
| 9/30/42 | \$1,617 | \$1,697 | \$368 | \$3,682 |
| 9/30/43 | \$1,710 | \$1,604 | \$375 | \$3,689 |
| 9/30/44 | \$1,792 | \$1,505 | \$383 | \$3,680 |
| 9/30/45 | \$1,895 | \$1,401 | \$390 | \$3,687 |
| 9/30/46 | \$1,998 | \$1,292 | \$398 | \$3,689 |
| 9/30/47 | \$2,101 | \$1,177 | \$406 | \$3,684 |
| 9/30/48 | \$2,215 | \$1,056 | \$414 | \$3,684 |
| 9/30/49 | \$2,338 | \$928 | \$422 | \$3,689 |
| 9/30/50 | \$2,462 | \$793 | \$431 | \$3,686 |
| 9/30/51 | \$2,596 | \$651 | \$440 | \$3,686 |
| 9/30/52 | \$2,740 | \$501 | \$448 | \$3,689 |
| 9/30/53 | \$2,895 | \$343 | \$457 | \$3,695 |
| 9/30/54 | \$3,049 | \$176 | \$466 | \$3,691 |
| Total | \$47,487 | \$53,941 | \$10,914 | \$112,341 |

¹The 9/30/XX dates represent the fiscal year end for the Phase #1 Reimbursement Agreement.

² The interest is calculated using an estimated 5.77% interest rate for years 1 through 5 and an estimated 5.77% interest rate for years 6 through 30 on the obligations under the Phase #1 Reimbursement Agreement for the Phase #1 Projects.

³Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

⁴Annual Installment does not include any credit from the TIRZ Annual Credit Amount.

Appendix F-3
Proposed Phase #1 Assessment Roll by Lot Type

| Lot Type | | | | | Lot Type 2 (40 Ft) |
|--------------------------|------------------|-----------------------------|--|---------------------------------|---------------------------|
| Units | | | | | 0.96 |
| Assessment | | | | | \$45,587.14 |
| Year ¹ | Principal | Interest² | Administrative Expenses³ | Total Annual Installment | |
| 9/30/24 | \$0 | \$1,315 | \$247 | \$1,562 | |
| 9/30/25 | \$672 | \$2,630 | \$252 | \$3,555 | |
| 9/30/26 | \$712 | \$2,592 | \$257 | \$3,561 | |
| 9/30/27 | \$742 | \$2,550 | \$262 | \$3,555 | |
| 9/30/28 | \$781 | \$2,508 | \$268 | \$3,557 | |
| 9/30/29 | \$811 | \$2,463 | \$273 | \$3,546 | |
| 9/30/30 | \$850 | \$2,416 | \$278 | \$3,545 | |
| 9/30/31 | \$900 | \$2,367 | \$284 | \$3,551 | |
| 9/30/32 | \$939 | \$2,315 | \$290 | \$3,544 | |
| 9/30/33 | \$989 | \$2,261 | \$295 | \$3,545 | |
| 9/30/34 | \$1,038 | \$2,204 | \$301 | \$3,543 | |
| 9/30/35 | \$1,088 | \$2,144 | \$307 | \$3,539 | |
| 9/30/36 | \$1,147 | \$2,081 | \$314 | \$3,542 | |
| 9/30/37 | \$1,206 | \$2,015 | \$320 | \$3,541 | |
| 9/30/38 | \$1,266 | \$1,945 | \$326 | \$3,537 | |
| 9/30/39 | \$1,335 | \$1,872 | \$333 | \$3,540 | |
| 9/30/40 | \$1,404 | \$1,795 | \$339 | \$3,539 | |
| 9/30/41 | \$1,473 | \$1,714 | \$346 | \$3,534 | |
| 9/30/42 | \$1,553 | \$1,629 | \$353 | \$3,535 | |
| 9/30/43 | \$1,642 | \$1,539 | \$360 | \$3,541 | |
| 9/30/44 | \$1,721 | \$1,445 | \$367 | \$3,533 | |
| 9/30/45 | \$1,820 | \$1,345 | \$375 | \$3,540 | |
| 9/30/46 | \$1,918 | \$1,240 | \$382 | \$3,541 | |
| 9/30/47 | \$2,017 | \$1,130 | \$390 | \$3,537 | |
| 9/30/48 | \$2,126 | \$1,013 | \$398 | \$3,537 | |
| 9/30/49 | \$2,245 | \$891 | \$406 | \$3,541 | |
| 9/30/50 | \$2,363 | \$761 | \$414 | \$3,538 | |
| 9/30/51 | \$2,492 | \$625 | \$422 | \$3,539 | |
| 9/30/52 | \$2,630 | \$481 | \$430 | \$3,542 | |
| 9/30/53 | \$2,779 | \$329 | \$439 | \$3,547 | |
| 9/30/54 | \$2,927 | \$169 | \$448 | \$3,544 | |
| Total | \$45,587 | \$51,783 | \$10,477 | \$107,847 | |

¹The 9/30/XX dates represent the fiscal year end for the Phase #1 Reimbursement Agreement.

² The interest is calculated using an estimated 5.77% interest rate for years 1 through 5 and an estimated 5.77% interest rate for years 6 through 30 on the obligations under the Phase #1 Reimbursement Agreement for the Phase #1 Projects.

³ Administrative Expenses are estimated and will be updated each year in the Annual Service Plan Updates. Assumes a 2% increase per year.

⁴ Annual Installment does not include any credit from the TIRZ Annual Credit Amount.

**CITY OF WHARTON
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE CITY OF WHARTON, TEXAS DETERMINING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY THE WHARTON PUBLIC IMPROVEMENT DISTRICT NO. 2; ACCEPTING AN UPDATED PRELIMINARY SERVICE AND ASSESSMENT PLAN, INCLUDING THE UPDATED PROPOSED ASSESSMENT ROLLS; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; CALLING A PUBLIC HEARING ON MAY 13, 2024 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY WITHIN THE DISTRICT; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, Chapter 372, Texas Local Government Code (the “Act”) authorizes the governing body (the “City Council”) of the City of Wharton, Texas (the “City”), to create a public improvement district within the corporate limits and extraterritorial jurisdiction of the City; and,

WHEREAS, on October 23, 2023, the City Council conducted a public hearing to consider a petition received by the City on October 9, 2023 (the “Petition”) requesting the creation of the Wharton Public Improvement District No. 2(the “District”) to undertake the construction of certain public improvements described in the Petition (the “Authorized Improvements”); and,

WHEREAS, on October 23, 2023, the City Council adopted Resolution No. 2023-88 (the “Authorization Resolution”), authorizing, establishing and creating the District; and,

WHEREAS, the City Council and City staff have been presented with an updated Preliminary Service and Assessment Plan for the District, including the proposed assessment rolls attached thereto (the “Proposed Assessment Rolls”) (collectively, the “Preliminary SAP”) a copy of which is attached hereto as Exhibit A and is incorporated herein for all purposes; and,

WHEREAS, the Preliminary SAP is updated to include Phase #1 and sets forth the estimated total costs of the Authorized Improvements to be financed by the District at this time (defined in the Preliminary SAP as the “Phase #1 Projects”) and the proposed assessment rolls (the “Proposed Assessment Rolls”) state the special assessments to be levied against each parcel of land in Phase #1 of the District (as defined in the Preliminary SAP) as determined by the assessment methodology selected by the City Council and set forth in the Preliminary SAP; and,

WHEREAS, the Phase #1 Projects are to be financed by special assessments to be levied within Phase #1 of the District; and,

WHEREAS, the Act requires that the Proposed Assessment Rolls be filed with the City Secretary of the City (the “City Secretary”) and be subject to public inspection; and,

WHEREAS, the Act requires that a public hearing (the “Assessment Hearing”) be called to consider the proposed assessments and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and,

WHEREAS, the Act requires that notice of the Assessment Hearing be published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing and be mailed to property owners liable for assessment; and,

WHEREAS, after all objections have been heard and passed on at the Assessment Hearing, the City Council may levy special assessments against the property in Phase #1 of the District to pay for the Phase #1 Projects.

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

Section 1

The recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

Section 2

The City Council does hereby accept the updated Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

Section 3

The City Council hereby determines that the estimated total cost of the Phase #1 Projects to be funded through the special assessments levied at this time in the District, including financing costs, is approximately \$4,866,274.

Section 4

The City Council's final determination and approval of the costs of the Phase #1 Projects, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan, which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

Section 5

The City Council hereby authorizes and directs the filing of the updated Preliminary SAP, including the Proposed Assessment Rolls, with the City Secretary, and the same shall be available for public inspection.

Section 6

The City Council hereby authorizes and calls a public hearing (the Assessment Hearing as defined above) to be held on May 13, 2024, at or after 7:00 p.m. in the City Council Chamber, City Hall, 120 East Caney Street, Wharton, Texas at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on the property within the District (which ordinance shall specify the method of payment of the assessments).

Section 7

The City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before May 2, 2024, as required by Section 372.016(b) of the Act.

Section 8

When the Proposed Assessment Rolls are filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary, on or before May 2, 2024, to mail to owners of property liable for assessment in Phase #1 a notice of the Assessment Hearing as required by Section 372.016(c) of the Act.

Section 9

City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearings as required by the Texas Open Meetings Act) to place the Assessment Hearing on the agenda for the May 13, 2024, City Council meeting.

Section 10

This Resolution shall become effective from and after its date of passage in accordance with law.

Passed by the City Council of the City of Wharton, Texas this April 8, 2024:

CITY OF WHARTON, TEXAS

TIM BARKER
Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

PAULA FAVORS
City Secretary

PAUL WEBB
City Attorney

EXHIBIT A
PRELIMINARY SERVICE AND ASSESSMENT PLAN

EXHIBIT B

NOTICE OF PUBLIC HEARING

CITY OF WHARTON, TEXAS

**NOTICE OF PUBLIC HEARING THE CONSIDER THE LEVY OF ASSESSMENTS AGAINST
PROPERTY WITHIN PHASE #1 OF THE WHARTON PUBLIC IMPROVEMENT DISTRICT
NO. 2**

Pursuant to Chapter 372, Texas Local Government Code, as amended (the “Act”), notice is hereby given that the City Council of the City of Wharton, Texas (the “City”) will hold a public hearing (the “Public Hearing”) to consider the levy of assessments against property located within Phase #1 of the Wharton Public Improvement District No. 2 (the “District”) to pay for certain improvements therein.

Date, Time and Place of Public Hearing. The Public Hearing will take place on May 13, 2024, at or after 7:00 p.m., at the City Council Chamber, City Hall, 120 East Caney Street, Wharton, Texas.

General Nature of the Improvements. The general nature of the proposed public improvements, including the improvements to be reimbursed through the levy of special assessments in Phase #1 of the District, includes (i) roadway improvements, (ii) water improvements, (iii) sanitary sewer improvements, (iv) storm drainage improvements, (v) landscaping improvements, and (vi) costs related to the creation and administration of the District.

The property within the District is expected to be developed in multiple phases and improvements that will benefit and serve Phase #1 of the District (the “Phase #1 Projects”) are to be installed and constructed with the associated phase, and special assessments will be levied within Phase #1 of the District to finance the Phase #1 Projects.

Cost of the Improvements. The estimated total cost of the Phase #1 Projects to be funded through the special assessments levied in the District, including financing costs, is approximately \$4,866,274.


Proposed Assessment Roll. The proposed assessment rolls providing for the costs of said Phase #1 Projects to be assessed, levied and apportioned against the property within the District, and the real and true owner or owners thereof, are on file and are available for public inspection during regular business hours at the office of the City Secretary at City Hall, 120 East Caney Street, Wharton, Texas 77488.

Boundaries of the District. The boundaries of the District encompass approximately 55.48 acres and the District is generally located south of Hwy 60 along and east of S Alabama Road in Wharton County, Texas. The boundaries of the District are more particularly described by a metes and bounds description available at the Wharton City Hall and available for public inspection.

Objections Considered. All written or oral objections will be considered at the Public Hearing.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|--|
| Meeting Date: | 4/8/2024 | Agenda Item: | Wharton Municipal Swimming Pool: A. Approval of the 2024 Pool Schedule. B. Resolution: A resolution of the Wharton City Council approving the 2024 Wharton Swim Team Agreement for use of the Wharton Municipal Swimming Pool and authorizing the City Manager to execute the agreement. |
| <p>Attached is a copy of the memorandum dated April 2, 2024, from Civic Center Manager Makyla Monroe providing the 2024 Wharton Municipal Swimming Pool Applications, Fees, and Schedule.</p> <p>Also attached is the draft agreement with the Wharton Swim Team for the use of the Wharton Municipal Swimming Pool.</p> <p>Ms. Monroe will be present to answer any questions.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



Wharton Civic Center

1924 N. Fulton, Wharton, TX 77488
Phone (979) 532-2491 x 603 Fax (979) 532-2213

MEMORANDUM

Date: April 2, 2024
From: Makyla Monroe, Civic Center Director
To: Joseph R. Pace, City Manager
Subject: Wharton Municipal Pool

Attached, please find the Wharton Municipal Pool schedule, application for water aerobics and consent form, private party rental agreement, and the season pass application for the 2024 summer season. The pool is scheduled to open Tuesday, June 4, 2024. If you have any questions, please contact me at 532-4811 x 603. Thank you.



Wharton Municipal Pool 2024

Pool Opening Date: Tuesday, June 4, 2024
Pool Closing Date: Sunday, August 4, 2024

Pool Hours:

| | | | |
|------------------|--------------------|---|-------------------------------|
| Monday | <i>Pool Closed</i> | | |
| Tuesday: | 7:30 - 11:00 a.m. | - | Swim Team Workouts |
| | 1:00 - 5:00 p.m. | - | Public |
| | 6:00 - 7:00 p.m. | - | Water Aerobics |
| Wednesday | 7:30 - 11:00 a.m. | - | Swim Team Workouts |
| | 1:00 - 5:00 p.m. | - | Public |
| | 5:30 - 8:00 p.m. | - | Family Night |
| Thursday | 7:30 - 11:00 a.m. | - | Swim Team Workouts |
| | 1:00 - 5:00 p.m. | - | Public |
| | 6:00 - 7:00 p.m. | - | Water Aerobics |
| Friday | 7:30 - 11:00 a.m. | - | Swim Team Workouts |
| | 1:00 - 5:00 p.m. | - | Public |
| | 5:30 - 8:00 p.m. | - | Family Night |
| Saturday | 10:00 - 11:00 a.m. | - | Water Aerobics (Make-Up Only) |
| | 1:00 - 5:00 p.m. | - | Public |
| | 6:00 - 8:00 p.m. | - | Private Swim Parties |
| Sunday | 1:00 - 5:00 p.m. | - | Public |
| | 6:00 - 8:00 p.m. | - | Private Swim Parties |

Admission: Anyone who enters the pool area must pay.

Regular Admission: \$3.00 per individual
 Family Night Admission: \$2.00 per individual
 Individual Season Pass: \$45.00
 Family Season Pass: \$65.00

**Anyone under the age of 13 must be accompanied
by a Parent, Guardian or Adult!!!**

For more info, please call 979-532-4811 x 603

WATER AEROBICS 2024
STARTING THURSDAY, JUNE 4TH -
THURSDAY, JULY 25TH

DAYS: TUESDAYS AND THURSDAYS

TIME: TUESDAYS 7:00 – 8:00 P.M. WATER AEROBICS
THURSDAYS 7:00 – 8:00 P.M. WATER AEROBICS

WHERE: WHARTON CITY POOL

COST: \$100.00 PER PARTICIPANT MUST BE PAID UP FRONT FOR CLASSES
THAT WILL BE HELD.

ITEMS TO BRING:

- WATER BOTTLE
- SUNSCREEN AND HAT
- WATER SHOES

ITEMS PROVIDED:

- AQUA BELLS
- AQUA BELTS

PAYMENT IS EXPECTED AT TIME OF REGISTRATION. CLASS MUST HAVE
AT LEAST TEN ENROLLED TO BE HELD.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE WHARTON CIVIC CENTER,
979-532-4811 EXT. 603.

CONSENT FORM

**WHARTON MUNICIPAL POOL
WHARTON AEROBICS
979-532-2491 ext. 603 (CIVIC CENTER)**

NAME: _____
(Please Print)

I understand that I am responsible for monitoring my own condition throughout the workout and should any unusual symptoms occur, I will cease my participation and inform the instructor of the symptoms. If conditions persist, I agree to consult my physician and obtain written permission before returning to the program.

I agree to hold blameless, the City of Wharton and/or the instructor from any and all claims that may result from injury or death, accidental or otherwise, during, or arising in any way from the exercise program.

Signature Date

In signing this consent form, I affirm that I have read this form in its entirety and that I understand the nature of the exercise program.

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____
Street or P.O. # City State Zip

TELEPHONE #: _____ EMERGENCY #: _____

NAME OF PHYSICIAN: _____ TELEPHONE #: _____

LIMITATIONS AND/OR MEDICAL CONDITIONS: _____

WHARTON MUNICIPAL POOL

Season Pass
979-532-4811 EXT. 603.

Application for Season Pass

Season Pass is good through the 2024 pool season

Fees: \$45.00 individual season pass.
\$65.00 family season pass - up to four (4) family members.
(\$25.00 for each additional family member over 4 members.)

Pass holder's name

1. _____
 (First name) (Last name) (Age)

(Address - Street, City, State & Zip code)

Telephone: _____
 (Day) (Evening)

Additional Family Members:

2. _____
 (First name) (Last name) (Age)

3. _____
 (First name) (Last name) (Age)

4. _____
 (First name) (Last name) (Age)

Family members in excess of four (4) should complete a separate Application for Season Pass for each additional member.

BRING COMPLETED FORM AND PAYMENT TO THE WHARTON CIVIC CENTER.

Amount Paid \$_____ Cash_____ Check #_____

Wharton Municipal Pool
Agreement Form

I, Charolette Atkinson, being a representative of the Wharton Swim Team, do hereby request the use of the Wharton Municipal Pool for practices from May 6, 2024 through May 24, 2024 from 5:00 p.m. – 6:30 p.m. on Mondays, Tuesdays, Wednesdays, and Thursdays and beginning May 28, 2024 through July 30, 2024 from 7:30 a.m. – 11:30 a.m. on Tuesdays, Wednesdays, Thursdays, and Fridays.

The Wharton Swim Team is also requesting to use the Wharton Municipal Pool on Sunday, June 30, 2024 from 5:30 p.m. – 7:00 p.m. for their pool party. Wharton Swim Team must fill out a Pool Party Application and compensate the City of Wharton \$10.00 per hour per guard required for the Pool Party before the date of the scheduled event.

The Wharton Swim Team shall hire the required number of Lifeguards during the usage of the Wharton Municipal Pool.

The Wharton Swim Team shall be responsible for checking the chemical levels prior to allowing members to enter the pool. If the chemicals are not at the adequate levels, members shall not enter the pool.

The Wharton Swim Team shall be responsible for removing the lane markers after each practice.

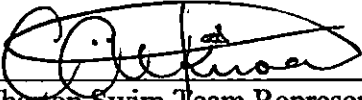
The Wharton Swim Team, its members, sponsors, and coaches hereby agree to hold the harmless City of Wharton, from, and against all claims, actions, damages, liabilities and expenses asserted against the City on account of injuries to persons or damage to property when and to the extent that any such damage or injury may be caused, either proximately or remotely, wholly or in part, by any act or omission, whether negligent or not, of the City or any of the City's agents, servants, employees, or contractors, or any other person entering upon the property of the Wharton Municipal Pool.

The facility must be in as good a condition as it was upon entry. The Wharton Swim Team shall pick up and deposit trash in the trash cans provided, clean restrooms, lock gates, and make sure door is secure to the Chemical Area.

Keys must be turned into City Hall after the end of the season, which shall be no later than August 4, 2024.

The Wharton Swim Team shall provide the City of Wharton with a list of the members and coaches prior to the season. Only Wharton Swim Team members and coaches shall be allowed in the Wharton Municipal Pool.

Signed this _____ day of April 2024.



Wharton Swim Team Representative
Charolette Atkinson

City of Wharton
Joseph R. Pace, City Manager

**CITY OF WHARTON
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE 2023 WHARTON SWIM TEAM AGREEMENT FOR USE OF THE WHARTON MUNICIPAL SWIMMING POOL AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton Swim Team wishes to utilize the Wharton Municipal Pool for practices; and,

WHEREAS, The City of Wharton and the Wharton Swim Team wishes to enter into an agreement for use of the Wharton Municipal Pool; and,

WHEREAS, The City of Wharton and Wharton Swim Team wishes to be bound by the conditions set forth in said agreement; and,

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

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

Section I. The City Council hereby approves an agreement between the City of Wharton and the Wharton Swim Team for use of the Wharton Municipal Pool.

Section II. The City of Wharton and the Wharton Swim Team are hereby bound by the conditions set forth in the agreement.

Section III. The City of Wharton hereby authorizes the City Manager of the City of Wharton to execute the agreement.

Section IV. This resolution will become effective immediately upon its passage.

Passed, Approved and Adopted this 8th day of April 2024.

CITY OF WHARTON, TEXAS


By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
 120 E. Caney Street
 Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|--|
| Meeting Date: | 4/8/2024 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving an amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transports and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. |
| <p>On February 26, 2024, the Wharton City Council approved the amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transport. However, the County tabled the item at the Commissioner’s Court due to further questions. After further discussions, a change was made under Section V. of the contract to remove wording.</p> <p>Attached is a draft copy of the contract and draft resolution for Emergency Medical Services for Ambulance Transports between the City of Wharton and Wharton County.</p> <p>City Attorney Paul Webb has reviewed and approved the change.</p> <p>EMS Director Christy Gonzales will be present to answer any questions.</p> | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |

THE STATE OF TEXAS §

COUNTY OF WHARTON §

AMENDED CONTRACT FOR AMBULANCE TRANSPORT

WITNESSETH:

This is an Amended Contract and agreement for emergency ambulance transport of prisoners/patients between the City of Wharton, Texas, hereinafter referred to as “City,” through its Emergency Medical Services Department hereinafter referred to as “EMS” and Wharton County, Texas, hereinafter referred to as “County,” and the parties mutually agree, and contract as follows:

I.

The City agrees to provide ambulance service for prisoners/patients of the County that are jailed in the Wharton County Jail.

II.

The term of this Amended Contract shall begin March 25, 2024 and shall auto-renew. The original Amended Contract may be extended for an additional one-year period upon written agreement by both parties. Termination of this Amended Contract may be accomplished by either party by giving thirty (30) days written notice to the other party.

III.

County agrees to pay City the Medicare allowable costs for all services, as seen on attached Exhibit “A”. All invoices for said services will be submitted by the City to the Wharton County Judge’s Office.

IV.

The level of care to be rendered to the prisoner/patient by the City shall be based on the level of service required by the prisoner/patient and can be provided by the City.

V.

Should Medicare add or amend any fees to the current fee schedule that is approved by the Wharton City Council, the County will be notified in writing 30 days in advance and this Amended Contract shall be amended to include such fees.

VI.

The County agrees that an officer from the Wharton County Sheriff's Office will be assigned to any transfers to travel with the prisoner/patient in the ambulance.

VII.

This Amended Contract was executed in the City of Wharton, Wharton County, Texas, and shall be construed under the laws of the State of Texas.

VIII.

This Amended Contract shall be binding upon and inure to the benefit of the parties hereto, their respective successors, and assigns.

EXECUTED this _____ day of _____, 2024.

CITY OF WHARTON, TEXAS

WHARTON COUNTY, TEXAS

By: _____
TIM BARKER, Mayor

By: Phillip Spenrath
PHILLIP SPENRATH, County Judge

ATTEST:

ATTEST:

By: _____
PAULA FAVORS, City Secretary

By: Barbara Gratch
Barbara Gratch, C. Clerk



APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
PAUL WEBB,
City Attorney

By: _____
G. A. "TREY" MAFFETT,
County Attorney

Acknowledgments

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on the _____ day of _____, 2024, by **TIM BARKER**, Mayor of the City of Wharton, Texas.

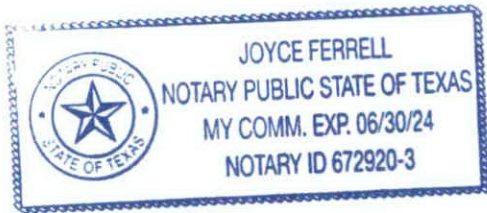
Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on the 25 day of March, 2024, by **PHILLIP SPENRATH**, County Judge of the County of Wharton, Texas.

Joyce L. Ferrell
Notary Public, State of Texas



**CITY OF WHARTON
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDED CONTRACT BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY FOR EMERGENCY MEDICAL SERVICES FOR AMBULANCE TRANSPORTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton wishes to enter into an amended contract with Wharton County for Emergency Medical Services for Ambulance Transports; and,

WHEREAS, The Wharton City Council and Wharton County wishes to be bound by the conditions as set forth in the contract; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the contract.

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 approves the amended contract with Wharton County for Emergency Medical Services for Ambulance Transports.

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 8th day of April 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

EXHIBIT A
City of Wharton
Ambulance Fee Schedule

| Service | Common Procedural Terminology (CPT) | Fee | MCR Allowed |
|---|--|------------------|--------------------|
| Venipuncture - blood draw | 36415 | \$50.00 | n/a |
| Treatment only - No Transport | A0998 | \$100.00 | n/a |
| Treatment only - No Transport Level II | A0998 | \$225.00 | n/a |
| Mileage 1-17 | A0425 | \$24.00 | \$13.53 |
| Mileage beyond 17 miles | A0425 | \$24.00 | \$8.76 |
| Advanced Life Support - non emergency service | A0426 | \$650 | \$323.77 |
| Advanced Life Support - emergency service | A0427 | \$1,000 | \$512.64 |
| Basic Life Support - nonemergency service | A0428 | \$550 | \$269.81 |
| Basic Life Support - emergency service | A0429 | \$850 | \$431.70 |
| Advanced Life Support Level II | A0433 | \$1,450 | \$741.98 |
| Specialty Care Transport | A0434 | \$1,700 | \$876.88 |
| Ancillary Supplies | | Per fee schedule | varies |

Additional supplies and equipment usage fees.

RECORDS REQUEST FEE:

| | |
|---------------------------------------|------------------|
| Personal Request | No Charge |
| Family Member Request | \$50.00 |
| Attorney of Law Office Request | \$50.00 |


City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|----------|--------------|--|
| Meeting Date: | 4/8/2024 | Agenda Item: | Resolution: A resolution of the Wharton City Council approving an agreement for Medical Director Services between Dr. Jeffery Gubbels and the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. |
|---------------|----------|--------------|--|

Attached is a copy of the draft agreement and resolution for Medical Director Services between the City of Wharton and Dr. Jeffery Gubbels. The current contract expires on April 30, 2024. The proposed agreement will be for a two-year period beginning May 1, 2024, and ending on April 30, 2026. The terms of the contract are the same as the existing contract with the exception of an additional increase due to additional responsibilities.

EMS Director Christy Gonzales will be present to answer any questions.

| | |
|---|-------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, April 4, 2024 |
| Approval:  | |
| Mayor: Tim Barker | |

City of Wharton
EMERGENCY MEDICAL SERVICES
2010 N. Fulton
WHARTON, TEXAS 77488

Item-8.

INTERDEPARTMENTAL MEMO

DATE: APRIL 2, 2024
TO: JOSEPH R. PACE, CITY MANAGER
FROM: CHRISTY GONZALES, EMS DIRECTOR
RE: MEDICAL DIRECTOR AGREEMENT

Mr. Pace,

Dr. Gubbels' medical director contract ends on April 30, 2024. I have spoken to him, and he plans to continue in that role. I request that we place this on the next council's agenda for their review.

Thank you,

Christy Gonzales

Christy Gonzales, Director EMS

MEDICAL DIRECTOR AGREEMENT

THE STATE OF TEXAS §
§
COUNTY OF WHARTON §

This Agreement, made and entered into by and between the City of Wharton, hereinafter referred to as “CITY,” and Jeffery Gubbels, M.D., hereinafter referred to as “PHYSICIAN.”

WITNESSETH:

WHEREAS, The CITY desires to retain the personal services of PHYSICIAN to serve as Medical Director for the City;

WHEREAS, The PHYSICIAN represents and affirms that he is:

1. Licensed to practice medicine in the State of Texas;
2. Familiar with the operation of EMS systems;
3. Experienced in pre-hospital emergency care of acutely ill or injured patients;
4. Actively involved in the emergency management of acutely ill and/or injured patients, in the training and/or continuing education of the EMS personnel under my supervision at their level of certification in the medical audit, review, and critique of the EMS personnel performance, and in the administrative processes affecting the delivery of emergency pre-hospital care;
5. Knowledgeable about local multi-casualty plans;
6. Familiar with dispatch and communications operations of pre-hospital emergency units;
7. Knowledgeable about laws and regulations affecting local, regional, and state EMS operations; and,
8. Insured with liability insurance in an amount not less than \$100,000 single limit and \$500,000 aggregate.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to both parties herein named, it is agreed as follows:

I.

During the term of this Agreement, PHYSICIAN will serve as Medical Director for the CITY.

II.

The term of this Agreement shall commence May 1, 2024, at 12:00 a.m. and end on April 30, 2026, unless the term of this Agreement is sooner terminated in accordance with the provisions hereof.

III.

The term of this Agreement may be terminated by either party giving the other party 30 days' written notice of termination thereof. Any notice permitted or required to be given hereunder to PHYSICIAN may be given by registered or certified United States Mail, postage prepaid, return receipt requested,

addressed to 2002 Kelving Way Court, Wharton, Tx. 77488. Any notice permitted or requested to be given hereunder to CITY may be given by registered or certified United States Mail, postage prepaid, return receipt requested, addressed to City of Wharton, 120 E. Caney, Wharton, Texas 77488. Any notice mailed by registered or certified United States Mail, return receipt requested, as herein above provided shall be deemed given upon deposit in the United States Mail.

IV.

CITY hereby agrees to pay PHYSICIAN the sum of \$2,705.00 per month for services rendered on the first business day of each month in accordance with this agreement. This compensation is for the time PHYSICIAN actually devotes to the performance of this Agreement and shall not include sick leave, holidays, or any other fringe benefits; such duties shall include the following:

1. Approve the level of pre-hospital care which may be rendered locally by each of the EMS personnel under PHYSICIAN'S supervision;
2. Establish and monitor compliance with field performance guidelines for EMS personnel;
3. Establish and monitor compliance with training guidelines which meet or exceed Texas Department of Health EMS certification regulation;
4. Develop, implement, and revise protocols and/or standing delegation orders;
5. Direct an effective audit system and quality assurance program;
6. Make formal recommendations on medically related aspects of EMS operations;
7. Function as the primary liaison between the EMS administration and the local medical community;
8. Take or recommend appropriate remedial or corrective measures for EMS personnel;
9. Recommend suspension of a certified EMS individual from medical care duties for due cause;
10. Establish the circumstances under which a patient might not be transported or may be transported against his or her will;
11. Establish criteria for selections of a patient's destination; and,
12. Develop and implement a comprehensive mechanism for management of patient care.

V.

In performing the personal services included in this Agreement, PHYSICIAN shall be an independent contractor and not an employee of the CITY or any department of the CITY. The CITY shall not direct or supervise PHYSICIAN to the manner, means, and method in which he performs his services but shall look to PHYSICIAN for results only. PHYSICIAN must maintain the above-referenced insurance coverage for the entire course of this contract.

VI.

It is understood that the CITY is contracting PHYSICIAN and that all of the services to be performed under this Agreement shall be performed by PHYSICIAN and by no other person. PHYSICIAN shall not make, in whole or in part, any assignment of this agreement or of any duty or obligation of performance hereunder.

VII.

Prior to the execution of this Agreement, the PHYSICIAN has been advised by CITY, and PHYSICIAN clearly understands and agrees that the CITY shall have available the total maximum sum of \$2,705.00 per month specifically allocated to discharge fully any and all liabilities that may be incurred by the CITY, including any and all costs for any and all things or purposes, ensuing under or out of this Agreement, irrespective of the nature thereof and notwithstanding any word, statement, or thing contained in or inferred from the provisions of this Agreement that might in any light by any person be interpreted to the contrary.

VIII.

In performing the services hereunder, PHYSICIAN agrees to comply with all applicable federal, state, and local laws, regulations, rules, and ordinances now in effect or that may hereafter be promulgated.

IX.

Notwithstanding anything herein to the contrary, or that may be construed to the contrary, it is understood and agreed that if either party hereto refuses or fails to timely perform any one or more of the undertakings and obligations that are to be performed hereunder the other party shall have the right to terminate this Agreement upon 10 days written notice to the defaulting party. Within ten (10) days of the termination, the CITY must pay the monthly payment for the days worked by PHYSICIAN.

X.

This instrument contains the entire agreement between the parties hereto relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this instrument shall be of no force or effect excepting a subsequent modification in writing signed by all the parties hereto.

EXECUTED this 8th day of April 2024.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

JEFFERY GUBBLES, M.D.

ACKNOWLEDGMENTS

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on _____, 2024, by Dr. Jeffery Gubbels.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF WHARTON §

This instrument was acknowledged before me on April 8, 2024, by Tim Barker, Mayor of the City of Wharton, Texas.

Notary Public, State of Texas

**CITY OF WHARTON
RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN DR. JEFFERY GUBBELS AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Dr. Jeffery Gubbels and the City of Wharton for Medical Director Services for the Emergency Medical Service (EMS) Department; and,

WHEREAS, The City of Wharton and Dr. Jeffery Gubbels wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council and Dr. Jeffery Gubbels wish the agreement to become effective on May 1, 2024; 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 execute, on behalf of the City of Wharton, the Medical Director Services Agreement with Dr. Jeffery Gubbels for the City of Wharton Emergency Medical Services (EMS) Program.

Section II. That the City of Wharton and Dr. Jeffery Gubbels are hereby bound by the conditions as set forth in the agreement which shall commence on May 1, 2024, and will expire on April 30, 2026.

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

Passed, Approved, and Adopted this 8th day of April 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---------------|----------|--------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees: <ul style="list-style-type: none"> A. Resignations. B. Appointments. C. Vacancies. |
|---------------|----------|--------------|---|


Attached is the list of people serving on the various City Boards, Commissions, and Committees. There are still vacancies that also need to be filled.

Resignations: None.

Appointments: None.

Vacancies:

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

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|---|-------------------------------|
| City Manager: Joseph R. Pace | Date: Thursday, April 4, 2024 |
| Approval:  | |
| Mayor: Tim Barker | |

**CITY OF WHARTON
BOARDS, COMMISSIONS, AND COMMITTEES**

| WHARTON REGIONAL AIRPORT BOARD | TWO YEAR TERM | Reappointment |
|---------------------------------------|----------------------|----------------------|
| Jimmy Gardner | June 30, 2025 | |
| Randy Rodriguez | June 30, 2025 | |
| Bill Kingrey | June 30, 2025 | |
| Larry David | June 30, 2024 | |
| Jimmy Zissa | June 30, 2024 | |
| Glenn Erdelt | June 30, 2024 | |

| BEAUTIFICATION COMMISSION | TWO YEAR TERM | Reappointment |
|----------------------------------|----------------------|----------------------|
| Nancy Mata | June 30, 2024 | |
| Vacant | June 30, 2024 | |
| Rachel Roberson | June 30, 2024 | |
| Vacant | June 30, 2025 | |
| Adraylle Watson | June 30, 2025 | |
| Debbie Folks | June 30, 2025 | |
| Sheryl Joost | June 30, 2025 | |

| BUILDING STANDARDS COMMISSION | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Leonard Morales | June 30, 2025 | |
| Vacant | June 30, 2025 | |
| Vacant | June 30, 2025 | |
| Paul Shannon | June 30, 2025 | |
| Vacant | June 30, 2024 | |
| Howard Singleton | June 30, 2024 | |
| Shaun Stockwell | June 30, 2024 | |
| Claudia Velasquez, Building Official - ExOfficio | | |
| Jeff Gubbels - Health Officer-ExOfficio | | |
| Hector Hernandez-Fire Marshall-ExOfficio | | |

| ELECTRICAL BOARD | TWO YEAR TERM | Reappointment |
|--------------------------------|----------------------|----------------------|
| Councilmember Burnell Neal | June 30, 2025 | |
| Oscar Uribe | June 30, 2025 | |
| Philip Hamlin | June 30, 2024 | |
| Milton Barbee | June 30, 2024 | |
| Hector Hernandez- Fire Marshal | | |

| HOLIDAY LIGHT DECORATING CHAIRMAN | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Tim Barker | June 30, 2024 | |

| MAYOR'S COMMITTEE ON PEOPLE WITH DISABILITIES | TWO YEAR TERM | Reappointment |
|--|----------------------|----------------------|
| Johnnie Gonzales | June 30, 2024 | |

| | | |
|---|----------------------|----------------------|
| Faye Evans | June 30, 2024 | |
| Vacant | June 30, 2024 | |
| Kaitlyn Humberson | June 30, 2025 | |
| Delia Gonzales | June 30, 2025 | |
| Sheena Barbee | June 30, 2025 | |
| Cheryl Lavergne | June 30, 2025 | |
| Mayor Tim Barker- Ex Officio | | |
| <hr/> | | |
| HEALTH OFFICER | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| Dr. Jeff Gubbels, MD | June 30, 2024 | |
| <hr/> | | |
| VETERINARIAN | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| Dr. Cody Pohler, DVM | June 30, 2024 | |
| <hr/> | | |
| MUNICIPAL COURT JUDGE | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| Jared Cullar | June 30, 2025 | |
| <hr/> | | |
| PLANNING COMMISSION | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| Johnnie Gonzales | June 30, 2025 | |
| Rob Kolacny | June 30, 2025 | |
| Michael Quinn | June 30, 2025 | |
| Marshall Francis | June 30, 2024 | |
| Adraylle Watson | June 30, 2024 | |
| Michael Wootton | June 30, 2024 | |
| Joel Williams | June 30, 2024 | |
| <hr/> | | |
| PLUMBING AND MECHANICAL BOARD | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| A. J. Rath | June 30, 2024 | |
| Vacant | June 30, 2025 | |
| Vacant | June 30, 2024 | |
| Robert Sanchez | June 30, 2025 | |
| Vacant | June 30, 2024 | |
| Claudia Velasquez, Building Official - ExOfficio | | |
| Public Works Director Anthony Arcidiacono- Ex Officio | | |
| Mayor Tim Barker - Ex Officio | | |
| <hr/> | | |
| WHARTON ECONOMIC DEVELOPMENT CORPORATION | TWO YEAR TERM | Reappointment |
| <hr/> | | |
| Michael Wootton | September 30, 2024 | |
| Alice Heard Roberts | September 30, 2024 | |
| Freddie Pekar | September 30, 2024 | |
| Larry Pittman (Councilmember) | September 30, 2024 | |
| Russell Machann- (Councilmember) | September 30, 2025 | |
| Andrew Armour | September 30, 2025 | |
| Michael Roberson | September 30, 2025 | |

CITY COUNCIL COMMITTEES - Renew June 30th of Each Year

ANNEXATION COMMITTEE

Tim Barker
Russell Machann
Don Mueller

FINANCE COMMITTEE

Russell Machann
Larry Pittman
Tim Barker

HOUSING COMMITTEE

Terry Freese
Russell Machann
Burnell Neal

INTERGOVERNMENTAL RELATIONS COMMITTEE

Terry Freese
Tim Barker
Larry Pittman

LEGISLATIVE COMMITTEE

Tim Barker
Larry Pittman
Steven Schneider

PUBLIC HEALTH COMMITTEE

Terry Freese
Larry Pittman
Russell Machann

PUBLIC SAFETY COMMITTEE

Larry Pittman
Terry Freese
Don Mueller

PUBLIC WORKS COMMITTEE

Terry Freese
Don Mueller
Burnell Neal

TELECOMMUNICATIONS COMMITTEE

Burnell Neal
Terry Freese
Don Mueller

WHARTON ECONOMIC DEVELOPMENT CORP BOARD OF DIRECTORS SELECTION COMMITTEE

Tim Barker
Steven Schneider
Larry Pittman

ECONOMIC DEVELOPMENT COMMITTEE


Tim Barker
Burnell Neal
Russell Machann

PARKS AND RECREATION COMMITTEE

Steven Schneider
Russell Machann
Terry Freese

City of Wharton
120 E. Caney Street
Wharton, TX 77488

CITY COUNCIL COMMUNICATION

| | | | |
|---|----------|-------------------------------|---|
| Meeting Date: | 4/8/2024 | Agenda Item: | City Council Boards, Commissions, and Committee Reports: A. Finance Committee meeting held March 25, 2024. |
| Attached you will find the reports from the above-mentioned Committees. | | | |
| City Manager: Joseph R. Pace | | Date: Thursday, April 4, 2024 | |
| Approval:  | | | |
| Mayor: Tim Barker | | | |



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

Phone (979) 532-2491° Fax (979) 532-
0181

MEMORANDUM

Date: March 26, 2024

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held March 25, 2024

At the March 25, 2024, City Council Finance Committee Meeting, the Committee met and discussed the following items:

1. Review & Consider: Minutes from the meeting held February 26, 2024.
2. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare from Stryker Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. The Committee voted to recommend this item to the City Council for consideration.
3. Review & Consider: Resolution: A resolution of the Wharton City Council approving a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to submit the City of Wharton Wastewater Treatment Plant No. 1 Application for Renewal of Permit WQ0010381001 to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. The Committee voted to recommend this item to the City Council for consideration.
4. Review & Consider: Resolution: A resolution of the Wharton City Council approving a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to develop and submit the Environmental Protection Agency’s (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. The Committee voted to recommend this item to the City Council for consideration.

5. Review & Consider: Resolution: A resolution of the Wharton City Council entering into a Reimbursement Agreement with Wharton 55, LLC, for Public Improvement District No. 2 and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. The Committee voted to recommend this item to the City Council for consideration.

Adjournment.