



**CITY OF WHARTON
CITY COUNCIL REGULAR MEETING**

**Monday, December 11, 2023
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, December 11, 2023, 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 7th day of December 2023.

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 December 7, 2023, 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 7th day of December 2023.

CITY OF WHARTON

By: 
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
City Council Regular Meeting
Monday, December 11, 2023
City Hall - 7:00 PM

Call to Order –Opening Devotion –Pledge of Allegiance.

Roll Call and Excused Absences.

Public Comments.

Wharton Moment.

Review and Consider:

1. Reading of the minutes from the regular meetings held November 13, 2023, and November 27, 2023.
2. Ordinance: An Ordinance of the City Council of the City of Wharton, Texas approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Wharton, Texas established pursuant to Chapter 311 of the Texas Tax Code.
3. Request from Ms. Joan Hawes to address the City Council regarding a variance for a Hay Permit.
4. Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street.
5. Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:
 - A. Resignations.
 - B. Appointments.
 - C. Vacancies.
6. City Council Boards, Commissions, and Committee Reports:
 - A. Finance Committee meeting held November 27, 2023.

Adjournment.

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

CITY COUNCIL COMMUNICATION

Meeting Date:	12/11/2023	Agenda Item:	Reading of the minutes from the regular meetings held November 13, 2023, and November 27, 2023.
<p>Attached you will find the draft minutes from the regular meetings held November 13, 2023, and November 27, 2023.</p>			
City Manager: Joseph R. Pace		Date: Thursday, December 7, 2023	
Approval: 			
Mayor: Tim Barker			

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
NOVEMBER 13, 2023**

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

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

Councilmembers absent were: None.

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; Director of Planning and Development, Gwyn Teves; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Police Lt., Lance Bothell and Emergency Management Coordinator, Lt. Ben Guanajuato

Visitors present were: 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 given.

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

1. Councilmember, Burnell Neal, thanked Police Chief, Terry David Lynch, for his and Lt. Lance Bothell's assistance during the Party Under the Bridge event when his niece had a medical emergency. Councilmember Neal also thanked Assistant to the City Manager, Brandi Jimenez, for her help during his brother-in-law's medical emergency making sure he was taken care of and staying with him until Emergency Services arrived.
2. Councilmember, Don Mueller, the Veteran's Day celebration was a success.
3. City Manager, Joseph R. Pace, stated HEB held its ribbon cutting ceremony after their recent remodel.
4. City Secretary, Paula Favors, stated the Assistant City Attorney, Amy Rod, commended the Wharton Municipal Court Judge and staff on holding the first jury trial in over 30 years and did a fantastic job.
5. City Attorney, Paul Webb, stated it was Mayor, Tim Barker's birthday.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held on October 9, 2023, and October 23, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held October 9, 2023, and October 23, 2023. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider setting a Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes. Finance Director, Joan Anadel, stated that on October 23, 2023, the City Council passed Resolution number 2023-88 authorizing the creation of the Wharton Public Improvement District No. 2 in accordance with Chapter 372 of the Texas Local Government Code. At this time, it was necessary to set a Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes. Mrs. Anadel said that City Staff requested to hold this Public Hearing on November 27, 2023, at the Regular City Council meeting. After some discussion, Councilmember, Russell Machann, moved to approve setting the Public Hearing on the creation of Reinvestment Zone Number One for Tax Increment Financing Purposes on November 27, 2023, at 7 p.m. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1. Mrs. Teves stated the Planning Commission met on Monday, November 6, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Raymond Harrison on behalf of Harrison Brothers Properties and Hamer Real Estate LLC to review the plat for Richmond Commercial Subdivision, Wm. Kincheloe, Blk 64E, 64F, 64J, 64K-1, 64E-1. Councilmember, Don Mueller, seconded the motion.

The fourth item on the agenda was to review and consider a request from the Monterey Square Business Association and Lt. Ben Guanajuato for assistance for Snow on the Square on Friday, December 15, 2023, for the following:

- A. Post the event (Snow on the Square) on the digital billboard on Hwy. 59 by La Casona/Walmart.
- B. Closing the 100 Block of South Fulton Street from Burseson Street to Milam Street from 3:00 p.m. to 9:30 p.m.
- C. Use City-owned barricades for the street closures.
- D. Provide ten (10) trash barrels and extra liners.

- E. Pick up, set up, and return a generator-light plant that the snow committee will rent and pay for.
- F. Waive all fees that may apply to this event.

Lt., Ben Guanajuato, presented a copy of the request from the Monterey Square Business Association for assistance for Snow Day on the Square. After some discussion, Councilmember, Terry Freese, moved to approve aforementioned items A. through F. Councilmember, Burnell Neal, 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 authorizing the Mayor of the City of Wharton to enter into a Multiple-Use Agreement between the Texas Department of Transportation and the City of Wharton for the installation of License Plate Readers in the City of Wharton and the Extraterritorial Jurisdiction. Chief of Police, Terry David Lynch, presented a copy of a memorandum regarding a Multiple-Use Agreement with the Texas Department of Transportation for the installation of License Plate Readers. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO ENTER INTO A MULTIPLE-USE AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION, AND THE CITY OF WHARTON FOR THE INSTALLATION OF LICENSE PLATE READERS IN THE CITY OF WHARTON AND THE EXTRATERRITORIAL JURISDICTION.

WHEREAS, The City of Wharton wishes to install License Plate Readers to existing poles or new poles at the following:

1. F.M. 102 @ U.S. 59 Frontage Road (westbound)
2. Junior College Blvd. @ Ponderosa Road (southbound)
3. F.M 102 near Walmart (eastbound)
4. U.S. 59 Frontage Road near La Casona (southbound)
5. U.S. 59 Frontage Road near Holiday Inn (southbound)
6. Business 59 @ F.M. 961 (northbound)
7. Highway 60 near C.R. 140 (northbound)
8. F.M. 1301 near C.R. 166 (westbound)
9. Business 59 near C.R. 229 (southbound); and,

WHEREAS, The City of Wharton will fund in its entirety the installation of the License Plate Readers within the City of Wharton and the Extraterritorial Jurisdiction; and,

WHEREAS, The City of Wharton agrees to hold and save the Texas Department of Transportation free from damage that may result from the installation of the License Plate Reader Equipment; and,

WHEREAS, In the event, the use of the State Highway Right-of-Way, under the control and operation of the Texas Department of Transportation changes, the Texas Department of Transportation requires the City of Wharton to modify the Multiple-Use Agreement, if needed.

WHEREAS, The City of Wharton will be responsible for the maintenance and use of State Highway Right-of-Way at the location of the facilities; and,

WHEREAS, The Wharton City Council wishes to enter into a Multiple-Use Agreement with the Texas Department of Transportation.

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

Section I. The City Council hereby authorizes the City of Wharton to enter into a Multiple-Use Agreement with the Texas Department of Transportation for the installation of License Plate Readers in the City of Wharton and the Extraterritorial Jurisdiction.

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

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

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider the Wharton Economic Development Corporation Resolution No. 2023-08. City Manager, Joseph R. Pace, presented a draft copy of the Wharton Economic Development Corporation Resolution No. 2023-08. City Manager Pace stated the Resolution had been approved by the Board of Directors of the Wharton Economic

Development Corporation. After some discussion, Councilmember, Russell Machann, moved to approve the Wharton Economic Development Corporation Resolution No. 2023-08, which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2023-08
A RESOLUTION AUTHORIZING WHARTON ECONOMIC DEVELOPMENT
CORPORATION TO ENTER INTO AN AGREEMENT WITH RICHARD LOCKLEY
FOR RETAIL DEVELOPMENT**

WHEREAS, Wharton Economic Development Corporation (“Corporation”) is a non-profit economic corporation organized under the provisions of the Development Corporation Act, now Chapter 501 of the Texas Local Government Code, as amended and desires to adopt projects and provide incentives for economic development within the City of Wharton; and

WHEREAS, the Corporation has adopted as a specific project the expenditure of the estimated amount of \$150,000.00 to WHARTON FEED & SUPPLY, LLC, a Texas limited liability company (“WHARTON FEED”) for retail development at 3030 North Richmond Rd, Wharton, Texas 77488 (“PROJECT”) and,

WHEREAS, the funds will be distributed only upon completion of the PROJECT, and,

WHEREAS, the standard performance agreement will be executed by Corporation and WHARTON FEED prior to any funding from Corporation to LOCKLEY, and

WHEREAS, the Corporation deems the PROJECT as necessary to promote business development and for future and current job creation.

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

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct.

Section 2. The Corporation will make funds of \$150,000.00 available to WHARTON FEED to reimburse the costs of the PROJECT in accordance with the terms and provisions with a Performance Agreement by and between the Corporation and WHARTON FEED to promote and develop and expanded business enterprise, to be located at 3030 North Richmond Rd, Wharton, Texas 77488.

Section 3. The Corporation President is hereby by authorized to execute the Performance Agreement on behalf of the Corporation.

This resolution was adopted at a regular meeting of the Board of Directors of Corporation on November 13, 2023.

WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON, TEXAS

By: _____ **Attest:** _____
Freddie Pekar, President **Andrew Armour, Secretary**

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 an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program, TxDOT CSJ No. M2413WHRT, for the airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Finance Director, Joan Anandel, presented a copy of the 2024 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. Mrs. Anandel stated the City of Wharton had participated in the RAMP Program in the past years. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TxDOT CSJ NO. M2413WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to conduct maintenance to the Wharton Regional Airport under the 2024 Routine Airport Maintenance Program; and,

WHEREAS, The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2024 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor 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 a contract with the Texas Department of Transportation Aviation Division for the 2024 Routine Airport Maintenance Program.
- Section II.** That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section III.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON

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 by the City of Wharton, Texas (“city”) denying the Statement of Intent to change rates filed on or about October 30, 2023, by CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas; authorizing continued participation in the Texas Coast Utilities Coalition of Cities; authorizing intervention in proceedings related to CenterPoint’s Statement of Intent; requiring the reimbursement of municipal rate case expenses; authorizing representation of the City by special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject. City Manager, Joseph R. Pace, stated that on or about October 30, 2023, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex, and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent to increase rates by a total of approximately \$37.4 million. City Manager Pace said CenterPoint filed its application with the Railroad Commission of Texas (RRC) on the same date it filed its application with the City with an overall increase of \$37.4 million. City Attorney, Paul Webb, stated CenterPoint proposes to increase rates for its residential class of customers by \$58.4 million and to decrease rates for its small and large commercial customers by a combined amount of about \$21 million which means that CenterPoint's proposed allocation of costs to the customer

classes needs a close review. City Attorney, Paul Webb, requested the City Council consider approving the resolution to delay the change of rates until further review could be made. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2023-96, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-96**

RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) DENYING THE STATEMENT OF INTENT TO CHANGE RATES FILED ON OR ABOUT OCTOBER 30, 2023 BY CENTERPOINT ENERGY RESOURCES CORPORATION, D/B/A, CENTERPOINT ENERGY ENTEX, AND CENTERPOINT ENERGY TEXAS GAS; AUTHORIZING CONTINUED PARTICIPATION IN THE TEXAS COAST UTILITIES COALITION OF CITIES; AUTHORIZING INTERVENTION IN PROCEEDINGS RELATED TO CENTERPOINT’S STATEMENT OF INTENT; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING REPRESENTATION OF THE CITY BY SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, CenterPoint Energy Resources Corporation, D/B/A, CenterPoint Energy Entex and CenterPoint Energy Texas Gas (“CenterPoint” or “Company”) filed a Statement of Intent with the City on or about October 30, 2023, to change its rate schedules within the corporate limits of this municipality, specifically to increase its system-wide, annual revenue requirement by approximately \$37.4 million; and

WHEREAS, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §103.001 et seq. of GURA has exclusive original jurisdiction over CenterPoint’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 CenterPoint’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 CenterPoint to change rates, has in the past joined with other local regulatory authorities to form the Texas Coast Utilities Coalition of Cities (TCUC), and hereby continues its participation in TCUC; and

WHEREAS, CenterPoint’s rate request consists of a voluminous amount of information including CenterPoint’s rate-filing package, pre-filed direct testimony, exhibits, schedules, and workpapers; and

WHEREAS, CenterPoint proposes to implement its proposed increase in rates on or about December 4, 2023, and

WHEREAS, CenterPoint’s application fails to establish that its overall revenue request resulted in no more than an amount that will permit CenterPoint a reasonable opportunity to earn a reasonable return on the utility’s invested capital used and useful in providing service to the public in excess of its reasonable and necessary operating expenses; and

WHEREAS, CenterPoint’s application fails to establish that its proposed rates are just and reasonable; and

WHEREAS, CenterPoint may exercise its statutory right to appeal a City decision regarding CenterPoint’s request to increase rates to the Railroad Commission of Texas; and

WHEREAS, CenterPoint filed its Statement of Intent to increase its revenue and change its rate with the City and with the Railroad Commission of Texas on the same date, October 30, 2023, and it is important to intervene in the proceedings before the Railroad Commission of Texas because the Railroad Commission’s decisions will impact rates within the City;

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. CenterPoint’s application fails to show that its proposed rates are just and reasonable.

Section 3. The City hereby **DENIES** CenterPoint’s request to increase its revenue and change its rates and in support of **DENIAL** finds that:

- A.** CenterPoint failed in its burden of proof to establish that its requested increase in revenue or the changes set forth in its tariffs attached to CenterPoint’s Statement of Intent to change rates, results in just and reasonable rates;
- B.** CenterPoint failed in its burden of proof to establish that adoption of its proposed rate base, expenses, investment, return on equity, and other rate issues as presented in CenterPoint’s Statement of Intent to increase rates, result in just and reasonable rates.

Section 4. The City authorizes intervention in proceedings related to CenterPoint’s Statement of Intent before the Railroad Commission of Texas and any related proceedings in any courts of law.

Section 5. The City continues its participation with other cities in a coalition of cities known as the Texas Coast Utilities Coalition of Cities (TCUC) with the understanding that the Steering Committee of TCUC is to provide direction and guidance to Special Counsel representing said cities.

Section 6. The City hereby retains Herrera Law & Associates, PLLC as Special Counsel to represent the City with regard to CenterPoint’s Statement of Intent and related proceedings, including proceedings before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of CenterPoint’s Statement of Intent.

Section 7. The City, in coordination with the TCUC Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CenterPoint for reimbursement.

Section 8. The City hereby orders CenterPoint to reimburse the City’s rate case expenses as provided in the Gas Utility Regulatory Act and that CenterPoint shall continue to 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 to related proceedings involving CenterPoint before the City, the Railroad Commission of Texas, or any court of law.

Section 9. A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756, and a courtesy copy to Mr. Patrick Peters, VP – Regulatory Legal, AGC, CenterPoint Energy, Inc., 1005 Congress Ave., Suite 650, Austin Texas 78701.

Section 10. 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 11. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 12. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 13th day of November 2023.

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider the City of Wharton's Updated Personnel Policies:

- A. Resolution: A resolution by the City Council of the City of Wharton, Texas adopting a policy prohibiting the installation or use of TikTok on city devices or for use of that application for official city-related business under Texas S.B. 1893.
- B. Resolution: A resolution by the City Council of the City of Wharton, Texas amending the City's Personnel Policy – Mental Health Leave - to implement the requirements of HB 1486, amends Section 614.015 of the Local Government Code, establishing a Mental Health Leave Policy for the City of Wharton Telecommunicators; providing a severability clause and establishing an effective date.
- C. Resolution: A resolution of the Wharton City Council adopting a policy as required by the Federal Pregnant Workers Fairness Act to provide reasonable accommodation to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions.

City Secretary, Paula Favors, presented three (3) new City of Wharton Employee Personnel Policies. Mrs. Favors stated effective September 1, 2023, under Texas S.B. 1893, a city must adopt a policy prohibiting the installation or use of TikTok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed. Mrs. Favors presented a copy of a draft of the City of Wharton's Prohibited Technologies Security Policy.

Mrs. Favors stated the Texas Legislature enacted House Bill 1486 which became effective September 1, 2023, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for full-time Telecommunicators employed by the political subdivision who experience a traumatic event in the scope of that employment. She said the City of Wharton already had in place a policy for Police Officers, as required by law but now it would include Telecommunicators. She presented a copy of a draft of the Peace Officer and Telecommunicator Mental Health Leave Policy updated as of November 2023.

Mrs. Favors stated effective June 27, 2023, as required by the federal Pregnant Workers Fairness Act (PWFA), the City of Wharton shall provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation would cause undue hardship to the City of Wharton's operations. She presented a draft of the Reasonable Accommodations for Pregnant Workers Policy.

Mrs. Favors stated City Attorney Paul Webb had also reviewed and approved all three policies to be submitted for City Council consideration. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2023-97, 2023-98, and 2023-99, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-97**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS ADOPTING A POLICY PROHIBITING THE INSTALLATION OR USE OF TIKTOK ON CITY DEVICES OR FOR USE OF THAT APPLICATION FOR OFFICIAL CITY-RELATED BUSINESS UNDER TEXAS S.B. 1893.

WHEREAS, Effective September 1, 2023, Under Texas S.B. 1893, the City hereby adopts a policy prohibiting the installation or use of TikTok or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requiring removal of the application from those devices if already installed; and,

WHEREAS, TikTok may be installed and used to the extent necessary for providing law enforcement or developing or implementing information security measures, and used in compliance with documented measures to mitigate risks to the security of governmental entity information; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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

Section I. The Wharton City Council hereby prohibits the installation of TikTok and/or any application covered by Chapter 620 of the Texas Government Code on any device owned or leased by the City and requires the removal of the application from those devices if already installed.

Section II. The Wharton City Council hereby approves the use of TikTok and/or any covered application to the extent necessary for providing law enforcement or developing or implementing information security measures to mitigate risks to the security of The City of Wharton's information.

Section III. The Wharton City Council hereby approves the creation of this policy and authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2023-98**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS AMENDING THE CITY’S PERSONNEL POLICY – MENTAL HEALTH LEAVE - TO IMPLEMENT THE REQUIREMENTS OF HB 1486, AMENDS SECTION 614.015 OF THE LOCAL GOVERNMENT CODE, ESTABLISHING A MENTAL HEALTH LEAVE POLICY FOR THE CITY OF WHARTON TELECOMMUNICATORS; PROVIDING A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City of Wharton, Texas is a Home Rule Municipality located in Wharton County, Texas, created by the provisions of the Texas Local Government Code and operating under the State of Texas and its Home Rule Authority; and,

WHEREAS, The Texas Legislature enacted House Bill 1486 which became effective September 1, 2023, adding Section 615.059 to the Texas Local Government Code and requiring political subdivisions to develop and implement a paid mental health leave policy for full-time Telecommunicators employed by the political subdivision who experience a traumatic event in the scope of that employment; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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

Section I. The foregoing recitals are adopted and incorporated herein for all purposes.

Section II. The attached Exhibit A, titled “Mental Health Leave for Peace Officers and Telecommunicators,” is hereby adopted in compliance with the requirements of HB 1486 and SB 1359 under Sec. 615.059, Texas Local Government Code.

Section III. The City Council hereby approves the creation of this policy and authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this 13th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2023-99**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A POLICY AS REQUIRED BY THE FEDERAL PREGNANT WORKERS FAIRNESS ACT TO PROVIDE REASONABLE ACCOMMODATION TO EMPLOYEES AND APPLICANTS WITH LIMITATIONS RELATED TO PREGNANCY, CHILDBIRTH OR RELATED MEDICAL CONDITIONS.

WHEREAS, Effective June 27, 2023, As required by the Federal Pregnant Workers Fairness Act (PWFA), the City of Wharton will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause undue hardship to the City of Wharton’s operations; and,

WHEREAS, This policy will be regulated under the City of Wharton’s Family Medical Leave Act Policy; and,

WHEREAS, The Wharton City Council wishes to create this policy and authorize the City Manager to sign said policy.

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

Section I. The Wharton City Council hereby approves the Reasonable Accommodations for Pregnant Workers Policy.

Section. II. The Wharton City Council hereby authorizes the City Manager to sign said policy.

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

Passed, Approved, and Adopted this the 13th day of November 2023.

CITY OF WHARTON

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 authorizing the sale of the City of Wharton's surplus personal property in accordance with the City Charter Section 75 Sale of City Personal Property through www.publicsurplus.com. City Secretary, Paula Favors, presented a copy of the list of surplus personal property that the City Staff was requesting City Council approval to advertise for bids. Mrs. Favors stated the request was for the City Council to consider authorizing the surplus personal property bidding process through www.publicsurplus.com and authorizing the City Manager to sell items that were not sold through the bidding process on a first come first serve basis. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-100, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-100**

A RESOLUTION AUTHORIZING THE SALE OF THE CITY OF WHARTON'S SURPLUS PERSONAL PROPERTY IN ACCORDANCE WITH THE CITY CHARTER SECTION 75 SALE OF CITY PERSONAL PROPERTY THROUGH WWW.PUBLICSURPLUS.COM.

WHEREAS, the City of Wharton has identified surplus personal property; and,

WHEREAS, the Wharton City Council of the City of Wharton wishes to authorize the City Manager to sell the surplus personal property (Attachment A) directly to the public by publication notification in accordance with the City Charter Section 75 Sale of City personal property; and,

WHEREAS, the Wharton City Council authorizes the sale of surplus property through www.publicsurplus.com; and,

WHEREAS, the Wharton City Council wishes to authorize the City Manager to sell City personal property outright on a first come first serve basis if said property did not sell through the bidding process.

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

- Section I.** The City Council of the City of Wharton hereby authorizes the City Manager to sell the City of Wharton surplus personal property (Attachment A) in accordance with the City Charter Section 75 Sale of City personal property procedures.
- Section II.** The City Council of the City of Wharton hereby authorizes the sale of this personal property by publication notification.
- Section III.** The Wharton City Council authorizes the sale of surplus property through www.publicsurplus.com.
- Section IV.** The Wharton City Council hereby authorizes the City Manager to sell City personal property outright on a first come first serve basis if said property did not sell through the bidding process.
- Section V.** This resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 13th day of November 2023.

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 was to review and consider was a resolution of the Wharton City Council approving the purchase of equipment for the city parks and facilities from Kirby Built LLC and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Director of Planning & Development, Gwyn Teves, stated the City Staff had been working with the Friends of Caney Creek, which consists of the Caney Creek Conservation Foundation, Wharton Chamber of Commerce, Wharton County Agri-Life Extension, JM Eagle, and several citizens on the beautification of the Caney Creek Watershed. Mrs. Favors said the current desire was to place park benches and trash receptacles along Caney Creek on Park Lane. She said the group had also identified several sponsors for the benches and at the time sponsorship had been received from the Chamber of Commerce, Wharton Rotary Club, and Caney Creek

Conservation Foundation, and the group was working to obtain additional sponsors. Mrs. Teves stated to benefit from the cost savings of a bulk order, the group was also purchasing a replacement bench and trash receptacle for Mockingbird Park and a replacement picnic table and trash receptacle for the Airport. She said the City Staff sent requests for proposals to four (4) companies and three (3) of the companies were participants in the Buy Board Cooperative, one (1) provided a quote, one (1) did not respond and one (1) did not carry all of the equipment, but the lowest price was received from Kirby Built LLC for \$12,765.60 minus the tax amount of \$972.89. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-101, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-101**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF EQUIPMENT FOR THE CITY PARKS AND FACILITIES FROM KIRBY BUILT LLC AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton City Council wishes to approve the purchase of equipment for the City Parks and Facilities from Kirby Built LLC; and,

WHEREAS, The City of Wharton has solicited proposals from a minimum of 3 businesses for fair and adequate pricing; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase 9 benches, 7 trash receptacles and 1 picnic table for the City Parks and Facilities from Kirby Built LLC; and,

WHEREAS, The Wharton City Council wishes to accept the donation of funds towards the purchase of the benches and trash receptacles as obtained; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of equipment for the City Parks and Facilities from Kirby Built LLC.

SECTION II. The Wharton City Council accepts the donation of funds towards the purchase of benches and trash receptacles.

SECTION III. The Wharton City Council hereby authorizes the City Manager to execute all documents related to the purchase of the equipment.

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

PASSED AND APPROVED this 13th day of November 2023.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

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

After some discussion, Councilmember, Russell Machann, moved to appoint the following:

Term:

Terry Freese Central Appraisal District Board January 1, 2024 - December 31, 2025

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

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

The meeting adjourned at 7:22 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
NOVEMBER 27, 2023**

Mayor, Tim Barker, declared a Regular Meeting duly open for the transaction of business at 7:08 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; Burnell Neal; Larry Pittman, and Steve Schneider.

Councilmember absent was: Don Mueller and Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager, Paula Favors; Finance Director, Joan Andel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Patrol SGT., Stephen Jimenz and EMS Director, Christy Gonzales

Visitors present were: Jim Maddox, Alec Becker with Enterprise Fleet Management, Inc.; Brian Jarrard with Jarrard Development, LLC; David Pettit, David Pettit Economic Development, LLC, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

Councilmember, Terry Freese moved to excuse Councilmember, Don Mueller, and Councilmember, Russell Machann. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

Public Comments.

Mayor, Tim Barker, called for Public Comments.

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

1. City Manager, Joseph R. Pace, stated Dinosaur Park was voted on as the second-best park in Wharton County in the Wharton Journal Spectator’s Best of the Best contest.
2. Councilmember, Burnell Neal, stated he was proud of Just Do It Now, Inc.’s freshman football team for their 18 to 0 win over Bellville in the Colorado River Valley Football Coalition Super Bowl.

Public Hearing

Mayor, Tim Barker opened the Public Hearing at 7:08 p.m.

Public Hearing: Consider the advisability of the creation of Reinvestment Zone Number One, City of Wharton, Texas, located within the City limits and within the City's extraterritorial jurisdiction.

Mr. David Pettit, David Pettit Economic Development, LLC discussed what the creation of the Reinvestment Zone Number One would mean for the City of Wharton.

Mayor, Tim Barker, closed the Public Hearing at 7:20 p.m.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for October 2023. City of Wharton Finance Director, Joan Anandel, presented the City of Wharton Financial Report for October 2023. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Financial Report for October 2023. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider an ordinance of the City Council of the City of Wharton, Texas, designating a contiguous geographic area within the City Limits and within the Extraterritorial Jurisdiction of the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number One, City of Wharton; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund for the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date. Finance Director, Joan Anandel, stated that with the upcoming development of Wharton Lakes Subdivision, it was necessary to designate a contiguous geographic area within the City Limits and within the Extraterritorial Jurisdiction of the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number One, City of Wharton; describing the boundaries of the Zone; creating a Board of Directors for the Zone; and establishing a Tax Increment Fund for the Zone. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2023-13, which read as follows:

**CITY OF WHARTON, TEXAS
ORDINANCE NO. 2023-13**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CITY LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER ONE, CITY OF WHARTON; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Wharton, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City or the extraterritorial jurisdiction (the “ETJ”) of the municipality as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and,

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous geographic area that is in the corporate limits of the municipality or the extraterritorial jurisdiction (the “ETJ”) of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and,

WHEREAS, the City Council desires to promote the development of a certain contiguous geographic area in the City limits and the City’s ETJ, which is more specifically described in *Exhibits "A" and "B"* of this Ordinance (the "Zone"), through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and,

WHEREAS, pursuant to and as required by the Act, the City has prepared a *Preliminary Reinvestment Zone Project Plan and Financing Plan for Reinvestment Zone Number One, City of Wharton*, attached as *Exhibit C* (hereinafter referred to as the “Preliminary Project and Finance Plan”) for a proposed tax increment reinvestment zone containing the real property within the Zone; and,

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in a newspaper having general circulation in the City on November 20, 2023, which date is before the seventh (7th) day before the public hearing held on November 27, 2023; and,

WHEREAS, at the public hearing on November 27, 2023, interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act; and,

WHEREAS, evidence was received and presented at the public hearing on November 27, 2023, and in favor of the creation of the Zone; and,

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on November 27, 2023; and,

WHEREAS, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas

Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and,

WHEREAS, the percentage of the property in the proposed zone, excluding property that is public owned, that is used for residential purposes is less than thirty percent; and,

WHEREAS, a Preliminary Project and Finance plan has been prepared for the proposed reinvestment zone.

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council, after conducting the above-described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the expansion of the reinvestment zone has been properly called, held, and conducted and that notice of such hearing has been published as required by law; and
- (b) That the creation of the proposed reinvestment zone with boundaries as described and depicted in *Exhibits "A" and "B"* will result in benefits to the City, its residents and property owners, in general, and to the property, residents, and property owners in the reinvestment zone; and
- (c) That the proposed reinvestment zone, as defined in *Exhibits "A" and "B"*, meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
 - 1. It is a geographic area located within the City limits and the extraterritorial jurisdiction of the City; and
 - 2. That the City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone is predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City.
- (d) That 30 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and

- (e) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 50 percent of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City; and
- (g) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonable foreseeable future.

SECTION 3. DESIGNATION AND NAME OF THE ZONE.

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the area described and depicted in Exhibits “A” and “B” hereto as a tax increment reinvestment zone. The name assigned to the zone for identification is Reinvestment Zone Number One, City of Wharton, Texas (hereinafter referred to as the “Zone”).

SECTION 4. BOARD OF DIRECTORS.

That a board of directors for the Zone (“Board”) is hereby created. The Board shall consist of seven (7) members comprised of six (6) City Council members and the Mayor.

The Mayor shall serve as chairman of the Board and the Board may elect a vice chairman and such other officers as the Board sees fit. Additionally, each taxing unit that levies taxes within the Zone and chooses to contribute all or part of the tax increment produced by the unit into the tax increment fund may appoint one member of the board. The number of directors on the Board of Directors shall be increased by one for each taxing unit that appoints a director to the board; provided, that the maximum number of directors shall not exceed fifteen (15).

The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City Council for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board shall not be authorized to (i) issues bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone’s project plan and financing plan.

SECTION 3. DURATION OF THE ZONE.

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone shall occur upon any of the following: (i) on December 31, 2058 (with the final year's tax increment to be collected by September 1, 2059); (ii) at an earlier time designated by subsequent ordinance; (iii) at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

SECTION 4. TAX INCREMENT BASE AND TAX INCREMENT.

That the tax increment base for the Zone, as defined by Section 311.012(c) of the Texas Tax Code, shall be the total appraised value of all real property in the Zone taxable by a taxing unit, determined as of January 1, 2023, which is the year in which the Zone was designated as a reinvestment zone.

The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Texas Tax Code, (ii) fifty percent (50%) of the City's tax increment, as defined by section 311.012(a) of the Texas Tax Code, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment.

SECTION 5. TAX INCREMENT FUND.

That there is hereby created and established a "Tax Increment Fund" for the Zone which may be divided into such subaccounts as may be authorized by subsequent ordinance, into which all tax increments of the City, as such increments are described in the final project plan and reinvestment zone financing plan and may include administration costs, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts are to be maintained in an account at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the City and secured in whole or in part from the tax increments; (ii) the sale of any property acquired as part of a tax increment financing plan adopted by the Board; and (iii) other revenues dedicated to and used in the Zone shall be deposited into the TIF Fund. Prior to the termination of the Zone, money shall be disbursed from the Tax Increment Fund only to pay project costs, as defined by the Texas Tax Code, for the Zone, to satisfy the claims of holders of tax increments bonds or notes issued for the Zone, or to pay obligations incurred pursuant to agreements entered into to implement the project plan and reinvestment zone financing plan and achieve their purpose pursuant to Section 311.010(b), Texas Tax Code.

SECTION 6. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

PASSED AND APPROVED ON this 27th day of November 2023.

CITY OF WHARTON

Tim Barker
Mayor

ATTEST:

Paula Favors
City Secretary

APPROVED AS TO FORM:

Paul Webb

APPROVED AS TO CONTENT:

Joseph R. Pace

City Attorney

City Manager

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

The third item on the agenda was to review and consider a request by Wharton 55, LLC for voluntary annexation of 51.4210 acres. City Secretary, Paula Favors, stated the City Staff had received a Petition Requesting Annexation from Wharton 55, LLC for voluntary annexation of 51.4210 acres located at 0 S ALABAMA RD, WHARTON. Mrs. Favors said the property was described as a called 51.4210 tract of land, located within the A20036 ABST.36 TRACT 24-1,24-2,24-3,24-4,24-5,24-6 and presented of copy of the request for annexation, survey, and metes & bounds description. After some discussion, Councilmember, Terry Freese, moved to approve accepting the Wharton 55, LLC for voluntary annexation of 51.4210 acres. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Ms. Terry Arceo of 515 Olive St., Barbee, Block 5, Lot 17, 8A, 8B & 9 for a 2-foot variance of the rear building line setback from the required 5-foot setback for construction of 16-foot by 40-foot prefab metal building. Director of Planning & Development, Gwyn Teves, presented a copy the request from Ms. Terry Arceo of 515 Olive St., Barbee, Block 5, Lot 17, 8A, 8B & 9 for a 2-foot variance of the rear building line setback from the required 5-foot setback for construction of 16-foot by 40-foot prefab metal building. Mrs. Teves stated the Planning Commission met on November 20, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve from Ms. Terry Arceo of 515 Olive St., Barbee, Block 5, Lot 17, 8A, 8B & 9 for a 2-foot variance of the rear building line setback from the required 5-foot setback for construction of 16-foot by 40-foot prefab metal building. 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 authorizing the Mayor of the City of Wharton to enter into a lease agreement with Enterprise Fleet Management, Inc. for the Public Works Department, Code Enforcement Department, and Police Department and authorizing the Mayor to execute all documents related to said lease. Finance Director, Joan Andel, stated the City Staff had been working with Alec Becker with Enterprise Fleet Management, Inc. to lease the following vehicles:

1. Ford Escape – Code Enforcement Department
2. 2 --RAM 2500 4x2 Crew Cab – Public Works Department
3. Ford Expedition –Police Department
4. 2—Chevrolet Tahoe—Police Department

Mr. Alec Becker with Enterprise Fleet Management presented the information to the City Council on the lease agreement. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2023-102, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-102**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO ENTER INTO A LEASE AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT, INC. FOR THE PUBLIC WORKS DEPARTMENT, CODE ENFORCEMENT DEPARTMENT, POLICE DEPARTMENT, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, Quotes were received for lease of vehicles for the Public Works Department Code Enforcement Department, and Police Department; and,

WHEREAS, The Wharton City Council wishes to approve a lease agreement with Enterprise Fleet Management, Inc. for the lease of vehicles for the Public Works Department, Code Enforcement Department, and Police Department; 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, Texas, to execute all documents related to the lease of vehicles for the Public Works Department, Code Enforcement Department, and Police Department.

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

Passed, Approved, and Adopted this 27th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving the Annual Service Contract with Stryker Medical and authorizing the Mayor to execute

all documents related to said contract. E.M.S. Director, Christy Gonzales, presented a copy of a memorandum regarding the Annual Service Contract with Stryker Medical. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-103, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-103**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE ANNUAL SERVICE CONTRACT WITH STRYKER MEDICAL AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton Emergency Medical Services Department requests that the City Council approve the Annual Service Contract with Stryker Medical; and,

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

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

SECTION I. The Wharton City Council hereby approves the Annual Service Contract with Stryker Medical.

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

PASSED AND APPROVED this 27th day of November 2023.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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 authorizing the City Manager of the City of Wharton to execute a Performance Agreement

with the Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with the Texas Department of Transportation of approximately 89 acres of land along Highway 59 at its intersection with FM 102 and Highway 60. City Manager, Joseph R. Pace presented a copy of an agreement from Wharton Economic Development Corporation Executive Director, Josh Owens, regarding the Municipal Maintenance Performance Agreement that would fund the City's agreement with TxDOT for the Landscape and Maintenance Agreement the City had approved. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2023-104, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023 - 104**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE AGREEMENT WITH THE WHARTON ECONOMIC DEVELOPMENT CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, The Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along Highway 59 at its intersection with FM 102 and Highway 60; and,

WHEREAS, The City of Wharton and Wharton Economic Development Corporation 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; 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, THAT:

Section 1. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

Section 2. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

Section 3. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED and ADOPTED this 27th day of November 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the U.S. Hwy. 59/I-69 Water & Wastewater Utility Relocates 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 November 13, 2023, proposals were received for the U.S. Hwy. 59/I-69 Water & Wastewater Utility Relocates. Mrs. Teves said that there were four proposals received and they were as follows:

1. Arranda Industries
2. Reddico Construction
3. Resicom Inc.
4. TLC Construction

Mrs. Teves stated Quiddity Engineering had reviewed the submitted proposals and was recommending the award of the contract to Reddico Construction. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-106, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-106**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE WHARTON LAKES SUBDIVISION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Quiddity Engineering for Construction Management Services for the Wharton Lakes Subdivision Project; and,

WHEREAS, The City of Wharton and Quiddity wishes to be bound by the conditions as set forth in the agreement.

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

- Section I.** The Wharton City Council hereby approves a contract between the City of Wharton and Quiddity Engineering for Construction Management Services for the Wharton Lakes Subdivision Project.
- Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.
- Section III.** The City of Wharton and Quiddity are hereby bound by the conditions as set forth in the agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this the 27th day of November 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was a resolution of the Wharton City Council approving a Contract for Construction Management Services for the Wharton Lakes Subdivision Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Secretary, Paula Favors, stated the item would be brought back for discussion at the next City Council meeting.

The tenth item on the agenda was to review and consider the cancellation of the December 25, 2023, Regular Wharton City Council Meeting. City Manager, Joseph R. Pace, stated that due to the Holiday Season, he was requesting the Mayor and City Council to consider canceling the December 25, 2023, Regular City Council Meeting. City Manager Pace stated that if it became necessary, a special meeting would be scheduled. After some discussion, Councilmember, Terry Freese, moved to approve the the cancellation of the December 25, 2023, Regular Wharton City Council Meeting. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the update of City of Wharton Grant Programs. Director of Planning & Development, Gwyn Teves, provided an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The twelfth item on the agenda was to review and consider an update of City of Wharton on-going projects. City Manager, Joseph R. Pace, gave the City Council an update on the City of Wharton's on-going projects. After some discussion, no action was taken.

The thirteenth 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, no action was taken.

The fourteenth item on the agenda was to review and consider 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. Fire Marshal.
- H. Legal Department.
- I. Municipal Court.
- J. Police Department.
- K. Public Works Department.
- L. Water/Sewer Department.
- M. Weedy Lots/Sign Ordinance.
- N. Wharton Regional Airport.

After some discussion, no action was taken.

There being no further discussion, Mayor, Tim Barker, moved to adjourn. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 8:05 p.m.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

DRAFT

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

CITY COUNCIL COMMUNICATION

Meeting Date:	12/11/2023	Agenda Item:	Ordinance: An Ordinance of the City Council of the City of Wharton, Texas approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number One, City of Wharton, Texas established pursuant to Chapter 311 of the Texas Tax Code.
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On November 27, 2023, the City Council approved Ordinance 2023-13 designating a contiguous geographic area within the City Limits and within the Extraterritorial Jurisdiction of the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code to be known as Reinvestment Zone Number One, City of Wharton.

At this time, it is necessary for the City Council to approve the attached ordinance, which includes a Project and Financing Plan for the Tax Increment Reinvestment Zone Number One.

Mr. David Pettit will be available for any questions.

City Manager: Joseph R. Pace	Date: Thursday, December 7, 2023
Approval: 	
Mayor: Tim Barker	

Tax Increment Reinvestment Zone #1

City of Wharton, Texas



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Wharton is a city in and the county seat of Wharton County, Texas. As of 2021, the estimated population was 8,589. Wharton is 60 miles southwest of Houston, on the periphery of Greater Houston’s urban growth, providing small-town quality of life with quick travel-times to all the amenities that the nation’s fourth largest city has to offer.

Wharton lies in the “Texas Golden Triangle” between Austin/San Antonio, Dallas/Fort Worth, and Houston/Beaumont, the fastest growing region in the U.S. Interstate-69 and Kansas City Southern/Canadian Pacific trackage position Wharton as a potential major node on the USMCA trade corridor.

Wharton is strategically located on the I-69 corridor, the primary U.S.-Mexico-Canada trade route, Wharton’s section of U.S. Highway 59 is currently undergoing a \$400 million upgrade to urban interstate standards, providing rapid access to the greater Houston Metropolitan area and beyond. The newly constructed frontage roads will provide opportunities for retailers looking to capitalize on the daily 27,000+ traffic counts. Wharton is extending FM 1301 to the Interstate, creating a fourth major entrance to the city.

In a manufacturing-intensive region, local employers leverage a labor shed in excess of 3 million, with nearly a million workers available within a 60-minute radius of Wharton.



DISCLAIMER

Our conclusions and recommendations are based on current market conditions and the expected performance of the national, and/or local economy and real estate market. Given that economic conditions can change and real estate markets are cyclical, it is critical to monitor the economy and real estate market continuously, and to revisit key project assumptions periodically to ensure that they are still justified.

The future is difficult to predict, particularly given that the economy and housing markets can be cyclical, as well as subject to changing consumer and market psychology. There will usually be differences between projected and actual results because events and circumstances frequently do not occur as expected, and the differences may be material.

Tax Increment Reinvestment Zone #1, City of Wharton

Tax Increment Financing (TIF) is a tool used to promote both new development and redevelopment within a specified geographic area. A city may designate a geographic area targeted for new development and redevelopment that would not occur but for the designation of the geographic area as a Tax Increment Reinvestment Zone (TIRZ).

On November 27, 2023, the City Council of the City of Wharton, Texas (the “Council”), pursuant to Chapter 311 of the Texas Tax Code, approved an ordinance designating a contiguous geographic area within the City limits and within the City’s extraterritorial jurisdiction as Reinvestment Zone Number One, City of Wharton, Texas. The goal of Tax Increment Reinvestment Zone #1 (TIRZ #1) is to fund the construction of needed public infrastructure and to encourage private development that will yield additional tax revenue to all local taxing jurisdictions.

This project and financing plan outlines the funding of \$8,634,672 in public improvements related to water, sanitary sewer, and storm water facilities, as well as street and intersection improvements, open space and park facilities, utilities and street lighting, and economic development grants. The TIRZ can fund these improvements through ad valorem participation of eligible taxing jurisdictions, including the City of Wharton. Without the implementation of the TIRZ, the specified property would continue to impair the sound growth of the municipality.



 - TIRZ Boundary

Legal Description TIRZ #1**51.6733 acres of land in the Randal Jones 1/2 League, Abstract No. 36, Partially in the City of Wharton, Wharton County, Texas**

A FIELD NOTE DESCRIPTION of a 51.6733 acre tract of land in the Randal Jones 1/2 League, Abstract No. 36, partially in the City of Wharton, Wharton County, Texas; said 51.6733 acre tract being that same called 51.4217 acre tract of land conveyed to Gordon Franklin, Trustee, as recorded in Volume 249, Page 233, of the Wharton County Deed Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 1-inch iron spike found in the southeast right-of-way line of F.M. 1299 (South Alabama Road) (called 80 feet wide), as recorded in Volume 802, Page 787 of the Wharton County Deed Records for the north corner of Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2, according to the map or plat recorded in Slide No. 120A of the Wharton County Plat Records and for a west corner of this tract;

THENCE, North 16° 52' 37" East - 364.19 feet (called North 20° 14' 18" East - 364.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast right-of-way line of said South Alabama Road to a 1/2-inch iron rod found for the west corner of a called 15.00 acre tract of land conveyed to Bichhop T. Le, as recorded in Volume 794, Page 547 of the Wharton County Deed Records and for a north corner of this tract;

THENCE, South 73° 40' 17" East - 727.16 feet (called South 70° 16' East- 727.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southwest line of said 15.00 acre tract to a 5/8-inch iron rod with cap found for the south corner of said 15.00 acre tract and for an interior corner of this tract;

THENCE, North 16° 48' 36" East - 898.55 feet (called North 20° 14' 17" East - 898.64 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast line of said 15.00 acre tract to a 1/2-inch iron rod found for the east corner of said 15.00 acre tract, for the south corner of a called 5.698 acre tract of land conveyed to Robert L. Lebow, Leonard C. Lebow and David I. Lebow, as recorded in Volume 824, Page 719 of the Wharton County Deed Records, and for an angle point of this tract;

THENCE, North 16° 21' 39" East- 188.68 feet (called North 19° 44' East- 188.72 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast line of said 5.698 acre tract to a bent 5/8-inch iron rod found for the west corner of a called 5.00 acre tract of land conveyed to Gordon Franklin, Trustee, as recorded in Volume 1201, Page 830 of the Wharton County Deed Records and as described in Volume 519, Page 542 of the Wharton County Deed Records and for a north corner of this tract; from which a bent 1/2-inch iron rod found in the southwest right-of-way line of State Highway 60 (Milam Street) (width varies - 100 feet wide at this point) for the east corner of said 5.698 acre tract and for the north corner of said 5.00 acre

tract bears North 16° 21' 39" East - 350.86 feet (called North 19° 49' 30" East - 350 feet per Volume 519, Page 542 of the Wharton County Deed Records);

THENCE, South 70° 30' 11" East - 623.01 feet (called South 67° 05' 30" East - 623.00 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 67° 05' 15" East- 623.19 feet per Volume 519, Page 542 of the Wharton County Deed Records) with the southwest line said 5.00 acre tract to a 1/2-inch iron rod found for the south corner of said 5.00 acre tract and for an interior corner of this tract;

THENCE, North 16° 18' 47" East (called North 19° 49' 30" East per Volume 249, Page 233 of the Wharton County Deed Records) with southeast line of said 5.00 acre tract, at a distance of 60.09 feet pass a point for the south corner of a called 0.413 acre tract of land conveyed to Hinze Bar-B-Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records, and continuing with the southeast line of said 0.413 acre tract and with the southeast line of a called 0.784 acre tract of land conveyed to Hinze Bar-B-Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records for a total distance of 350.60 feet (called 350.00 feet per Volume 249, Page 233 of the Wharton County Deed Records) to a 1/2-inch iron rod found in the southwest right-of-way line of said State Highway 60 for the east corner of said 0.784 acre tract and for a north corner of this tract; from which a 1/2-inch iron rod found for the north corner of said 0.784 acre tract bears North 70° 28' 39" West - 180.00 feet;

THENCE, South 70° 28' 39" East - 59.77 feet (called South 66° 50' 27" East - 59.77 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southwest right-of-way line of said State Highway 60 to a 5/8-inch iron rod with cap stamped "McK.im & Creed" set for the north corner of a called 0.9918 acre tract of land conveyed to Pohler Real Estate Investments, LLC, as recorded in Volume 1120, Page 404 of the Wharton County Deed Records and for an east corner of this tract; from which a 1/2-inch iron rod found for the east corner of a 1.000 acre tract of land conveyed to Pohler Real Estate Investments, LLC, as recorded in Volume 1120, Page 404 of the Wharton County Deed Records bears South 70° 28' 39" East-251.03 feet;

THENCE, South 16° 16' 24" West (called South 19° 49' 30" West per Volume 249, Page 233 of the Wharton County Deed Records) with the northwest line of said 0.9918 acre tract, at a distance of 208.41 feet pass a 1/2-inch iron rod spinner found for the west corner of said 0.9918 acre tract and for the north corner of said 1.000 acre tract and continuing with the northwest line of said 1.000 acre tract for a total distance of 347.67 feet (called 347.55 feet per Volume 249, Page 233 of the Wharton County Deed Records) to a 1/2-inch iron rod found for the west corner of said 1.000 acre tract and for an interior corner of this tract;

THENCE, South 70° 26' 42" East - 250.01 feet (called South 67° 09' 08" East- 249.82 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 67° 05' 15" East - 250.00 feet per Volume 1120, Page 404 of the Wharton County Deed Records) with the southwest line of said 1.000 acre tract to a 1/2-inch iron rod found for the south corner of said 1.000 acre tract, for the west corner of Lot 1, Subdivision of Lot 24M, according to the map or plat recorded in Slide No. 3030 of the Wharton County Plat Records,

Legal Description TIRZ #1 (Continued)**51.6733 acres of land in the Randal Jones 1/2 League, Abstract No. 36, Partially in the City of Wharton, Wharton County, Texas (Continued)**

and for an angle point of this tract; from which a 1/2-inch iron rod found in the southwest right-of-way line of said State Highway 60 (width varies at this point) bears North 16° 26' 37" East- 347.76 feet (called North 19° 49' 30" East- 347.55 feet per Volume 1120, Page 404 of the Wharton County Deed Records);

THENCE, South 70° 25' 24" East - 398.87 feet (called South 67° 01' 08" East- 398.87 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 70° 26' 03" East- 398.92 feet per Slide No. 3030 of the Wharton County Plat Records) with the southwest line of said Subdivision of Lot 24M to a 5/8-inch iron rod with cap stamped "McKim & Creed" set in the northwest line of a called 1.83 acre tract of land conveyed to Edwin W. Kostka, as recorded in Volume 310, Page 229 of the Wharton County Deed Records for the south corner of Lot 2 of said Subdivision of Lot 24M and for an east corner of this tract; from which a 1/2-inch iron rod with cap stamped "RPLS 5319" found in the southwest right-of-way line of said State Highway 60 for the east corner of said Lot 2 bears North 16° 26' 03" East- 313.24 feet (called North 16° 26' 39" East - 312.97 feet per Slide No. 3030 of the Wharton County Plat Records); also from which at-post inside pvc pipe bears North 46° 04' 52" West-0.33 feet;

THENCE, South 16° 26' 03" West - 33.43 feet (called South 20° 08' 12" West - 33.43 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the northwest line of said 1.83 tract to a 5/8-inch iron rod with cap stamped "McKim & Creed" set for the west corner of said 1.83 tract, for the north corner of a called 8.72 acre tract of land (Tract 3) conveyed to Edwin W. Kostka, Jr., as recorded in Volume 210, Page 638 of the Wharton County Deed Records and for an angle point of this tract; from which a 1-1/2-inch iron pipe found for the south corner of said 1.83 acre tract bears South 70° 16' 36" East - 228.92 feet (called South 66° 59' East - 228.33 feet per Volume 310, Page 229 of the Wharton County Deed Records); also from which a 1/2-inch iron rod found for the east corner of said 8.72 acre tract bears South 70° 16' 36" East - 258.77 feet (called South 66° 59' East-258.33 feet per Volume 210, Page 638 of the Wharton County Deed Records);

THENCE, South 18° 14' 30" West - 740.07 feet (called South 22° 46' 36" West- 739.79 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 21° 39' 08" West- 737.78 feet per Volume 210, Page 638 of the Wharton County Deed Records) with the northwest line of said 8.72 acre tract to at-post inside pvc pipe found for an angle point of said 8.72 acre tract and for an angle point of this tract;

THENCE, South 19° 23' 26" West - 716.72 feet (called South 21° 36' 12" West- 716.75 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 22° 53' West- 716.75 feet per Volume 210, Page 638 of the Wharton County Deed Records) with the northwest line of said 8.72 acre tract to at-post inside pvc pipe found in the northeast line of Block 1, Briar Grove Addition, Section 4, according to the map

or plat recorded in Page 47A of the Wharton County Plat Records (previously platted as Briar Grove Addition Section 3, according to the map or plat recorded in Slide No. 38A of the Wharton County Plat Records, revoked per Volume 558, Page 166 of the Wharton County Deed Records) for the west corner of said 8.72 acre tract and for the south corner of this tract;

THENCE, North 70° 33' 43" West (called North 67° 09' 26" West per Volume 249, Page 233 of the Wharton County Deed Records) with the northeast line for said Briar Grove Addition, Section 4, with the northeast line of Re-plat of Briar Grove Addition, Section. 3, according to the map or plat recorded in Page No. 45A of the Wharton County Plat Records, and with the northeast line of Briar Grove Addition, Section 2, according to the map or plat recorded in Volume 1, Page 72 of the Wharton County Plat Records, at a distance of 1,871.31 feet pass a 1/2-inch iron rod found for the north corner of Lot 2 of said Briar Grove Addition, Section 2, and for the east corner of said Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2 and continuing with the northeast line of said Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2, for a total distance of 2008.02 feet (called 2,008.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) to the **POINT OF BEGINNING and containing 51.6733 acres of land.**

3.8067 acres of land in the Randal Jones 1/2 League, Abstract No. 36, City of Wharton, Wharton County, Texas

A FIELD NOTE DESCRIPTION of a 3.8067 acre tract of land in the Randal Jones 1/2 League, Abstract No. 36, City of Wharton, Wharton County, Texas; said 3.8067 acre tract being the remainder of a 5.00 acre tract of land conveyed to Gordon Franklin, Trustee, as recorded in Volume 1201, Page 830 of the Wharton County Deed Records and as described in Volume 519, Page 542 of the Wharton County Deed Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 1/2-inch iron rod found in the southwest right-of-way line of State Highway 60 (Milam Street) (width varies - 100 feet wide at this point) for the east corner of a called 5.698 acre tract of land conveyed to Robert L. Lebow, Leonard C. Lebow, and David I. Lebow, as recorded in Volume 824, Page 719 of the Wharton County Deed Records, for the north corner of said 5.00 acre tract, and for the north corner of this tract;

THENCE, South 70° 28' 39" East - 442.73 feet with the southwest right-of-way line of said State Highway 60 to a 1/2-inch iron rod found for the north corner of a called 0.784 acre tract of land conveyed to Hinze Bar-B Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records and for an east corner of this tract; from which a 1/2-inch iron rod found for the east corner of said 0.784 acre tract and for a north corner of a called 51.4217 acre tract of land conveyed to Gordon Franklin Trustee, as recorded in Volume 249, Page 233 of the Wharton County Deed Records bears South 70° 28' 39" East- 180.00 feet;

Legal Description TIRZ #1 (Continued)**3.8067 acres of land in the Randal Jones 1/2 League, Abstract No. 36, City of Wharton, Wharton County, Texas (Continued)**

THENCE, South 16° 23' 20" West- 290.91 feet with the northwest line of said 0.784 acre tract and with the northwest line of a called 0.413 acre tract of land conveyed to Hinze Bar-B-Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records to a 1/2-inch iron rod spinner found for the west corner of a said 0.413 acre tract and for an interior corner of this tract;

THENCE, South 70° 36' 40" East - 180.36 feet (called South 67° 05' 15" East - 180.00 feet per Volume 1006, Page 92 of the Wharton County Deed Records) with the southwest line of said 0.413 acre tract to a point in the southeast line of said 5.00 acre tract and in a northwest line of a said 51.4217 acre tract for the south corner of said 0.413 acre tract and for an east corner of this tract; from which a 1/2-inch iron rod found bears North 67° 38' 34" West-0.39 feet;

THENCE, South 16° 18' 47" West- 60.09 feet with the southeast line of said 5.00 acre tract and with the northwest line of said 51.4217 acre tract to a 1/2-inch iron rod found for the south corner of said 5.00 acre tract, for an interior corner of said 51.4217 acre tract of land and for a south corner of this tract;

THENCE, North 70° 30' 11" West - 623.01 feet (called North 67° 05' 30" West-623.00 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called North 67° 05' 15" West-623.19 feet per Volume 519, Page 542 of the Wharton County Deed Records) with the southwest line of said 5.00 acre tract and with a northeast line of said 51.4217 acre tract to a bent 5/8-inch iron rod found in the southeast line of said 5.968 acre tract for a north corner of said 51.4217 acre tract, for the west corner of said 5.00 acre tract, and for the west corner of this tract; from which a 1/2-inch iron rod found for the south corner of said 5.968 acre tract bears South 16° 21' 39" West- 188.68 feet (called South 19° 44' West- 188.72 feet per Volume 249, Page 233 of the Wharton County Deed Records);

THENCE, North 16° 21' 39" East- 350.86 feet (called North 19° 49' 30" East-350 feet per Volume 519, Page 542 of the Wharton County Deed Records) with the southeast line of said 5.698 acre tract and with the northwest line of said 5.00 acre tract to the **POINT OF BEGINNING and containing 3.8067 acres of land.**

Land Use

The land within the zone is vacant and is well positioned for development.

Method of Relocating Persons to be Displaced

It is not anticipated that any persons will be displaced or need to be relocated as result of the implementation of the TIRZ.

Current Ownership

There are currently two parcels within Tax Increment Reinvestment Zone #1. The 2023 estimated taxable base value of the property within the TIRZ is \$8,892. The 2023 base value will need to be verified by Wharton Central Appraisal District when the final values are available. For further details of parcels included within the TIRZ see **Appendix A**.

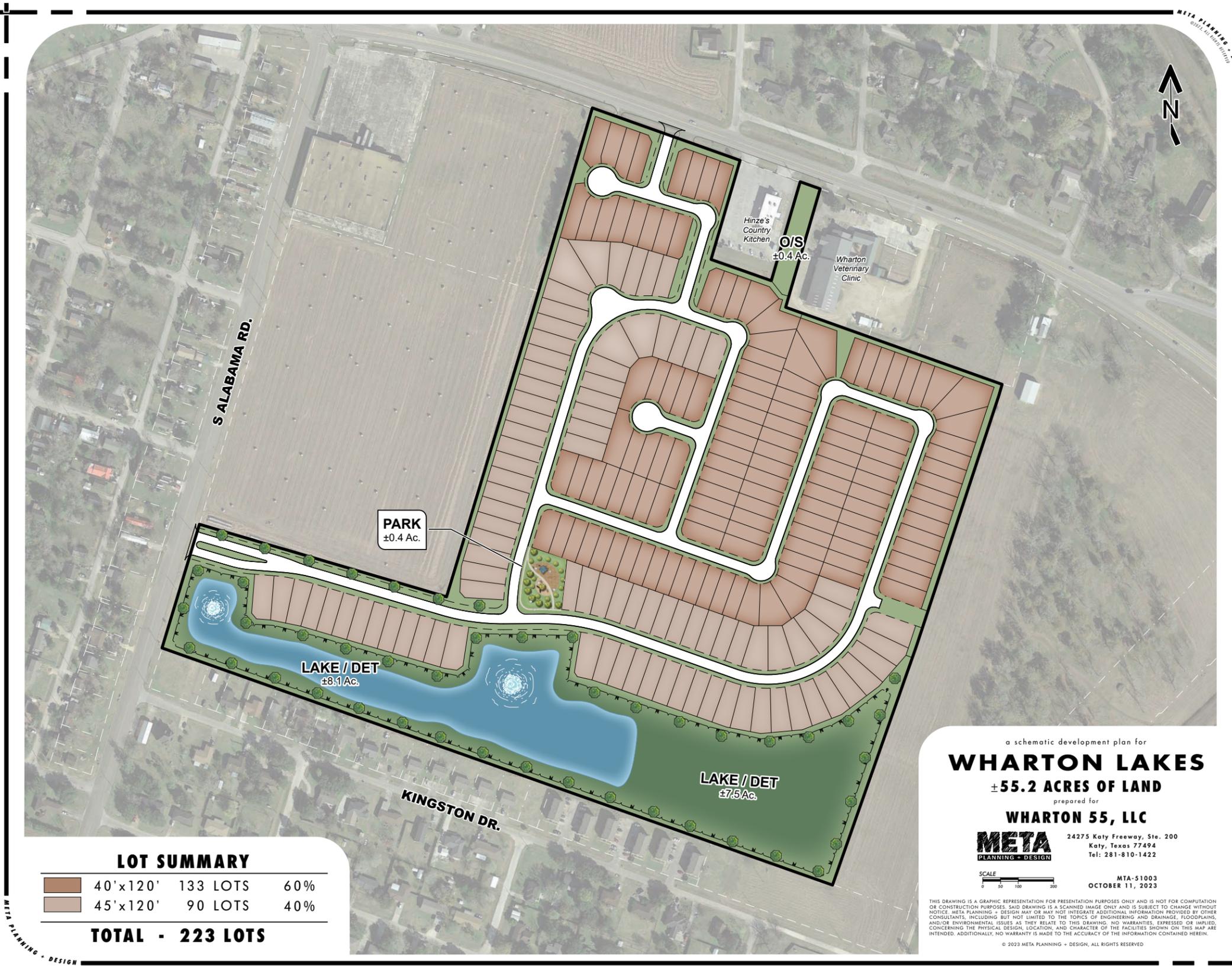
Zoning

The City of Wharton does not regulate zoning. It is not anticipated there will be any changes to the City of Wharton master plan, building codes, subdivision rules and regulations or other municipal ordinances as a result of the TIRZ.

Anticipated Development

The land within the zone is vacant land well positioned for future development. Based on existing and expected future market demand for housing, and known development plans shared by the developer, DPED projects that single family residential development will be developed during the term of the TIRZ. The table below provides an overview of the scope and timing of potential development that DPED projects could occur during the life of the TIRZ, based on market trends and input from the Development community and City leadership. It is anticipated that the development that occurs within the TIRZ could be financed in part by incremental real property tax generated within the TIRZ.

	Units	Projected Completion Date	Taxable Value Unit	Incremental Value
TIRZ #1				
Single Family 1	223	2025	\$275,000	\$61,325,000
Total				\$61,325,000



LOT SUMMARY

	40'x120'	133 LOTS	60%
	45'x120'	90 LOTS	40%
TOTAL - 223 LOTS			

a schematic development plan for
WHARTON LAKES
 ± 55.2 ACRES OF LAND
 prepared for
WHARTON 55, LLC
 24275 Katy Freeway, Ste. 200
 Katy, Texas 77494
 Tel: 281-810-1422
 SCALE 0 50 100 200
 MTA-51003
 OCTOBER 11, 2023

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Project Costs of the Zone

There are a number of improvements within Tax Increment Reinvestment Zone #1 that will be financed by in part by incremental real property tax generated within the TIRZ.

Proposed Project Costs - TIRZ #1		
Water Facilities and Improvements	\$ 1,554,241	18.0%
Sanitary Sewer Facilities and Improvements	\$ 1,554,241	18.0%
Storm Water Facilities and Improvements	\$ 1,554,241	18.0%
Transit/Parking Improvements	\$ 431,734	5.0%
Street and Intersection Improvements	\$ 1,726,934	20.0%
Open Space, Park and Recreation Facilities and Improvements, Public Facilities and Improvements	\$ 863,467	10.0%
Economic Development Grants	\$ 863,467	10.0%
Administrative Costs	\$ 86,347	1.0%
Total	\$ 8,634,672	100.0%

The categories listed in the table above outline various public improvements, and are meant to include all projects eligible under Chapter 311, Section 311.002 of the Texas Tax Code. The costs illustrated in the table above are estimates and may be revised. Savings from one line item may be applied to a cost increase in another line item. The \$8,634,672 project cost total amount shall be considered a cap on expenditures that shall not be exceeded without an amendment to the project and financing plan.

Economic Development Grants may include grants, loans, and services for public and private development. Chapter 380 of the Local Government Code grants municipalities in Texas the authority to offer grants and loans of public funds to stimulate economic development. Section 311.010 (h) of the Texas Tax Code details the authority of Chapter 380 within a project and financing plan and limits the aggregate amount not to exceed the amount of tax increment produced by the municipality and paid into the tax increment fund for the zone for activities that benefit the zone and simulate business and commercial activity in the zone.

The project costs are anticipated to be incurred over the term of the TIRZ, subject to demand for development driven by market conditions. It is anticipated that the individual TIRZ project costs will be evaluated on a case-by-case basis consistent with Chapter 311, Section 311.002, and brought forward to the TIRZ Board and City Council for consideration

Chapter 311 of the Texas Tax Code

Sec. 311.002.

(1) "Project costs" means the expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by the municipality or county designating a reinvestment zone that are listed in the project plan as costs of public works, public improvements, programs, or other projects benefiting the zone, plus other costs incidental to those expenditures and obligations. "Project costs" include:

(A) capital costs, including the actual costs of the acquisition and construction of public works, public improvements, new buildings, structures, and fixtures; the actual costs of the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures; the actual costs of the remediation of conditions that contaminate public or private land or buildings; the actual costs of the preservation of the facade of a public or private building; the actual costs of the demolition of public or private buildings; and the actual costs of the acquisition of land and equipment and the clearing and grading of land;

(B) financing costs, including all interest paid to holders of evidences of indebtedness or other obligations issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations before maturity;

(C) real property assembly costs;

(D) professional service costs, including those incurred for architectural, planning, engineering, and legal advice and services;

(E) imputed administrative costs, including reasonable charges for the time spent by employees of the municipality or county in connection with the implementation of a project plan;

(F) relocation costs;

(G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;

(H) interest before and during construction and for one year after completion of construction, whether or not capitalized;

(I) the cost of operating the reinvestment zone and project facilities;

(J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan;

(K) the costs of school buildings, other educational buildings, other educational facilities, or other buildings owned by or on behalf of a school district, community college district, or other political subdivision of this state; and

(L) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

Method of Financing

To fund the public improvements outlined on the previous page, it is proposed that the City of Wharton will contribute 50% of the real property increment within the Zone.

Debt Service

It is not anticipated at this time that the TIRZ will incur any bonded indebtedness.

Economic Feasibility Study

A taxable value analysis was developed as part of the project and financing plan to determine the economic feasibility of the project. The study examined the expected tax revenue the TIRZ would receive based on the previously outlined developments. A summary overview of the anticipated development square footages, the anticipated sales per square foot and the anticipated taxable value per square foot can be found on the following pages.

The following pages show the estimated captured appraised value of the zone during each year of its existence and the net benefits of the zone to each of the local taxing jurisdictions as well as the method of financing and debt service.

Utilizing the information outlined in this feasibility study, DPED has found that the TIRZ is economically feasible and will provide the City and other taxing jurisdictions with economic benefits that would not occur without its implementation.

Real Property Tax - 2023 Tax Rates		Participation	
CITY OF WHARTON	0.45386000	50%	0.2269300
WHARTON COUNTY	0.32636000	0%	0.0000000
COUNTY JR. COLLEGE	0.12770000	0%	0.0000000
FM &LR	0.03782000	0%	0.0000000
ESD#1	0.04849000	0%	0.0000000
CONS GROUNDWATER	0.00615000	0%	0.0000000
ESD#3	0.08689000	0%	0.0000000
WHARTON ISD	1.08440000	0%	0.0000000
	2.17167000		0.2269300

Personal Property Tax		Participation	
CITY OF WHARTON	0.45386000	0%	0.0000000
WHARTON COUNTY	0.32636000	0%	0.0000000
COUNTY JR. COLLEGE	0.12770000	0%	0.0000000
FM &LR	0.03782000	0%	0.0000000
ESD#1	0.04849000	0%	0.0000000
CONS GROUNDWATER	0.00615000	0%	0.0000000
ESD#3	0.08689000	0%	0.0000000
WHARTON ISD	1.08440000	0%	0.0000000
	2.17167000		0.0000000

Sales Tax Rate	0.0200000	0.00%	0.0000000
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INFLATION RATE	3.50%
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DISCOUNT RATE	6.00%
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REAL PROPERTY TAX		PARTICIPATION	
CITY OF WHARTON	0.45386000	50%	0.22693000
WHARTON COUNTY	0.32636000	0%	0.00000000
COUNTY JR. COLLEGE	0.12770000	0%	0.00000000
FM &LR	0.03782000	0%	0.00000000
ESD#1	0.04849000	0%	0.00000000
CONS GROUNDWATER	0.00615000	0%	0.00000000
ESD#3	0.08689000	0%	0.00000000
WHARTON ISD	1.08440000	0%	0.00000000
	2.17167000		0.22693000

PERSONAL PROPERTY TAX		PARTICIPATION	
CITY OF WHARTON	0.45386000	0%	0.00000000
WHARTON COUNTY	0.32636000	0%	0.00000000
COUNTY JR. COLLEGE	0.12770000	0%	0.00000000
FM &LR	0.03782000	0%	0.00000000
ESD#1	0.04849000	0%	0.00000000
CONS GROUNDWATER	0.00615000	0%	0.00000000
ESD#3	0.08689000	0%	0.00000000
WHARTON ISD	1.08440000	0%	0.00000000
	2.17167000		0.00000000

Sales Tax Rate	0.0200000	0.00%	0.00000000
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TIRZ #1	Year	AREA SF/UNITS	REAL PROPERTY \$ / SF	TAX VALUE	PERSONAL PROPERTY \$ / SF	TAX VALUE	SALES \$ / SF	TAX VALUE
F	2025	223	\$ 275,000.00	\$ 61,325,000	\$ -	\$ -	\$ -	#REF!
	TOTAL			61,325,000		-		#REF!

► OUTPUT

TOTAL TAX REVENUE		TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
CITY OF WHARTON	20.9%	\$ 17,267,971	= \$ 17,267,971	+ \$ -	+ \$ 0
WHARTON COUNTY	15.0%	\$ 12,416,990	= \$ 12,416,990	+ \$ -	+ \$ -
COUNTY JR. COLLEGE	5.9%	\$ 4,858,590	= \$ 4,858,590	+ \$ -	+ \$ -
FM &LR	1.7%	\$ 1,438,934	= \$ 1,438,934	+ \$ -	+ \$ -
ESD#1	2.2%	\$ 1,844,895	= \$ 1,844,895	+ \$ -	+ \$ -
CONS GROUNDWATER	0.3%	\$ 233,988	= \$ 233,988	+ \$ -	+ \$ -
ESD#3	4.0%	\$ 3,305,896	= \$ 3,305,896	+ \$ -	+ \$ -
WHARTON ISD	49.9%	\$ 41,258,069	= \$ 41,258,069	+ \$ -	+ \$ -
	100.0%	\$ 82,625,333	\$ 82,625,333	\$ -	\$ 0
		100.0%	100.0%	0.0%	0.0%

TOTAL PARTICIPATION		TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
CITY OF WHARTON	100.0%	\$ 8,633,985	= \$ 8,633,985	+ \$ -	+ \$ -
WHARTON COUNTY	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
COUNTY JR. COLLEGE	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
FM &LR	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
ESD#1	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
CONS GROUNDWATER	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
ESD#3	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
WHARTON ISD	100.0%	\$ -	= \$ -	+ \$ -	+ \$ -
	100.0%	\$ 8,633,985	\$ 8,633,985	\$ -	\$ -
		100.0%	100.0%	0.0%	0.0%

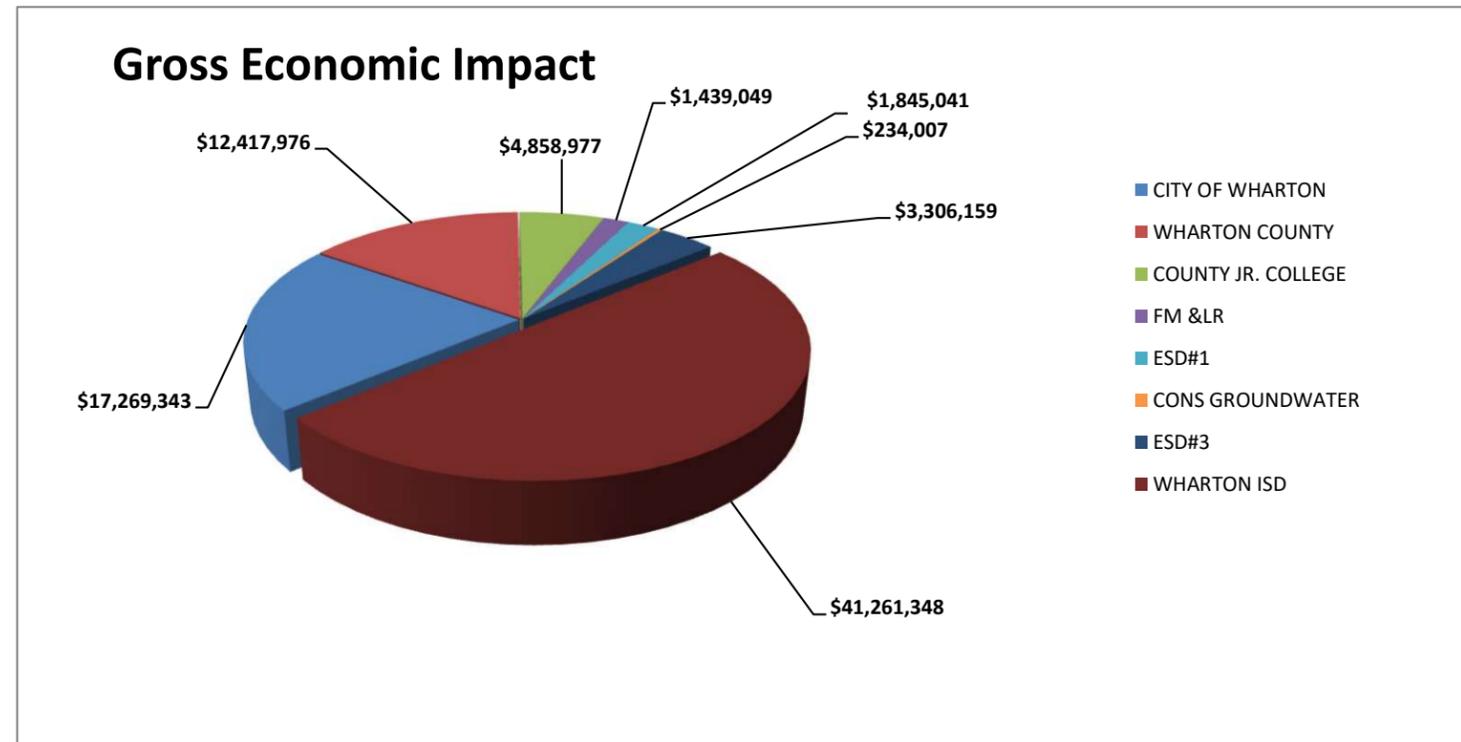
NET BENEFIT		TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
CITY OF WHARTON	11.7%	\$ 8,633,985	= \$ 8,633,985	+ \$ -	+ \$ 0
WHARTON COUNTY	16.8%	\$ 12,416,990	= \$ 12,416,990	+ \$ -	+ \$ -
COUNTY JR. COLLEGE	6.6%	\$ 4,858,590	= \$ 4,858,590	+ \$ -	+ \$ -
FM &LR	1.9%	\$ 1,438,934	= \$ 1,438,934	+ \$ -	+ \$ -
ESD#1	2.5%	\$ 1,844,895	= \$ 1,844,895	+ \$ -	+ \$ -
CONS GROUNDWATER	0.3%	\$ 233,988	= \$ 233,988	+ \$ -	+ \$ -
ESD#3	4.5%	\$ 3,305,896	= \$ 3,305,896	+ \$ -	+ \$ -
WHARTON ISD	55.8%	\$ 41,258,069	= \$ 41,258,069	+ \$ -	+ \$ -
	100.0%	\$ 73,991,348	\$ 73,991,348	\$ -	\$ 0
		100.0%	100.0%	0.0%	0.0%

ESTIMATE OF GENERAL IMPACT OF PROPOSED ZONE PROPERTY VALUES AND TAX REVENUES

TAXABLE BASE YEAR GROWTH		3.50%		DISCOUNT RATE		6.00%																																																																																																																																				
<table border="1"> <thead> <tr> <th colspan="4">REAL PROPERTY TAX</th> <th colspan="4">BUSINESS PERSONAL PROPERTY TAX</th> <th colspan="3">SALES TAX</th> </tr> <tr> <th>Entity</th> <th>Rate</th> <th>Entity</th> <th>Rate</th> <th>Entity</th> <th>Rate</th> <th>Entity</th> <th>Rate</th> <th>Entity</th> <th>Rate</th> <th>Entity</th> <th>Rate</th> </tr> </thead> <tbody> <tr> <td>CITY OF WHARTON</td> <td>0.4538600</td> <td>100%</td> <td>0.4538600</td> <td>CITY OF WHARTON</td> <td>0.4538600</td> <td>0%</td> <td>0.0000000</td> <td>CITY OF WHARTON</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>WHARTON COUNTY</td> <td>0.3263600</td> <td>100%</td> <td>0.3263600</td> <td>WHARTON COUNTY</td> <td>0.3263600</td> <td>0%</td> <td>0.0000000</td> <td>WHARTON COUNTY</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>COUNTY JR. COLLEGE</td> <td>0.1277000</td> <td>100%</td> <td>0.1277000</td> <td>COUNTY JR. COLLEGE</td> <td>0.1277000</td> <td>0%</td> <td>0.0000000</td> <td>COUNTY JR. COLLEGE</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>FM & LR</td> <td>0.0378200</td> <td>100%</td> <td>0.0378200</td> <td>FM & LR</td> <td>0.0378200</td> <td>0%</td> <td>0.0000000</td> <td>FM & LR</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>ESD#1</td> <td>0.0484900</td> <td>100%</td> <td>0.0484900</td> <td>ESD#1</td> <td>0.0484900</td> <td>0%</td> <td>0.0000000</td> <td>ESD#1</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>CONS GROUNDWATER</td> <td>0.0061500</td> <td>100%</td> <td>0.0061500</td> <td>CONS GROUNDWATER</td> <td>0.0061500</td> <td>0%</td> <td>0.0000000</td> <td>CONS GROUNDWATER</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>ESD#3</td> <td>0.0868900</td> <td>100%</td> <td>0.0868900</td> <td>ESD#3</td> <td>0.0868900</td> <td>0%</td> <td>0.0000000</td> <td>ESD#3</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td>WHARTON ISD</td> <td>1.0844000</td> <td>100%</td> <td>1.0844000</td> <td>WHARTON ISD</td> <td>1.0844000</td> <td>0%</td> <td>0.0000000</td> <td>WHARTON ISD</td> <td>0.0200000</td> <td>0.00%</td> <td>0.0000000</td> </tr> <tr> <td></td> <td>2.1716700</td> <td></td> <td>2.1716700</td> <td></td> <td>2.1716700</td> <td></td> <td>0.0000000</td> <td></td> <td>0.0200000</td> <td></td> <td>0.0000000</td> </tr> </tbody> </table>								REAL PROPERTY TAX				BUSINESS PERSONAL PROPERTY TAX				SALES TAX			Entity	Rate	CITY OF WHARTON	0.4538600	100%	0.4538600	CITY OF WHARTON	0.4538600	0%	0.0000000	CITY OF WHARTON	0.0200000	0.00%	0.0000000	WHARTON COUNTY	0.3263600	100%	0.3263600	WHARTON COUNTY	0.3263600	0%	0.0000000	WHARTON COUNTY	0.0200000	0.00%	0.0000000	COUNTY JR. COLLEGE	0.1277000	100%	0.1277000	COUNTY JR. COLLEGE	0.1277000	0%	0.0000000	COUNTY JR. COLLEGE	0.0200000	0.00%	0.0000000	FM & LR	0.0378200	100%	0.0378200	FM & LR	0.0378200	0%	0.0000000	FM & LR	0.0200000	0.00%	0.0000000	ESD#1	0.0484900	100%	0.0484900	ESD#1	0.0484900	0%	0.0000000	ESD#1	0.0200000	0.00%	0.0000000	CONS GROUNDWATER	0.0061500	100%	0.0061500	CONS GROUNDWATER	0.0061500	0%	0.0000000	CONS GROUNDWATER	0.0200000	0.00%	0.0000000	ESD#3	0.0868900	100%	0.0868900	ESD#3	0.0868900	0%	0.0000000	ESD#3	0.0200000	0.00%	0.0000000	WHARTON ISD	1.0844000	100%	1.0844000	WHARTON ISD	1.0844000	0%	0.0000000	WHARTON ISD	0.0200000	0.00%	0.0000000		2.1716700		2.1716700		2.1716700		0.0000000		0.0200000		0.0000000										
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FM & LR	0.0378200	100%	0.0378200	FM & LR	0.0378200	0%	0.0000000	FM & LR	0.0200000	0.00%	0.0000000																																																																																																																															
ESD#1	0.0484900	100%	0.0484900	ESD#1	0.0484900	0%	0.0000000	ESD#1	0.0200000	0.00%	0.0000000																																																																																																																															
CONS GROUNDWATER	0.0061500	100%	0.0061500	CONS GROUNDWATER	0.0061500	0%	0.0000000	CONS GROUNDWATER	0.0200000	0.00%	0.0000000																																																																																																																															
ESD#3	0.0868900	100%	0.0868900	ESD#3	0.0868900	0%	0.0000000	ESD#3	0.0200000	0.00%	0.0000000																																																																																																																															
WHARTON ISD	1.0844000	100%	1.0844000	WHARTON ISD	1.0844000	0%	0.0000000	WHARTON ISD	0.0200000	0.00%	0.0000000																																																																																																																															
	2.1716700		2.1716700		2.1716700		0.0000000		0.0200000		0.0000000																																																																																																																															
REVENUE YEAR	BASE YEAR	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	TOTALS																																																																																																				
BASE YEAR																																																																																																																																										
CITY OF WHARTON	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
WHARTON COUNTY	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
COUNTY JR. COLLEGE	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
FM & LR	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
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CONS GROUNDWATER	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
ESD#3	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
WHARTON ISD	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892	8.892																																																																																																				
TAXABLE VALUE																																																																																																																																										
CITY OF WHARTON	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
WHARTON COUNTY	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
COUNTY JR. COLLEGE	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
FM & LR	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
ESD#1	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
CONS GROUNDWATER	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
ESD#3	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
WHARTON ISD	8.892	9.203	9.525	9.859	10.204	10.561	10.931	11.313	11.709	12.119	12.543	12.982	13.436	13.907	14.393	14.897	15.419	15.958	16.517	17.095	17.693	18.312	18.953	19.617	20.303	21.014	21.749	22.511	23.299	24.114	24.958	25.832	26.736	27.671	28.640	29.642	29.642																																																																																																					
TAXABLE VALUE INCREMENT																																																																																																																																										
CITY OF WHARTON	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						
WHARTON COUNTY	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						
COUNTY JR. COLLEGE	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						
FM & LR	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						
ESD#1	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						
CONS GROUNDWATER	0	311	633	967	1,312	1,669	2,039	2,421	2,817	3,227	3,651	4,090	4,544	5,015	5,501	6,005	6,527	7,066	7,625	8,203	8,801	9,420	10,061	10,725	11,411	12,122	12,857	13,619	14,407	15,222	16,066	16,940	17,844	18,779	19,748	20,750																																																																																																						

Revenue Summary

Taxing Jurisdictions	Total Taxes Generated	Participation	Net Benefit
CITY OF WHARTON	\$17,269,343	\$8,634,672	\$8,634,672
WHARTON COUNTY	\$12,417,976	\$0	\$12,417,976
COUNTY JR. COLLEGE	\$4,858,977	\$0	\$4,858,977
FM &LR	\$1,439,049	\$0	\$1,439,049
ESD#1	\$1,845,041	\$0	\$1,845,041
CONS GROUNDWATER	\$234,007	\$0	\$234,007
ESD#3	\$3,306,159	\$0	\$3,306,159
WHARTON ISD	\$41,261,348	\$0	\$41,261,348
Total	\$82,631,900	\$8,634,672	\$73,997,229





Length of TIRZ #1 in Years:

The TIRZ has a 35 year term and is scheduled to end on December 31, 2058 (with the final year's tax increment to be collected by September 1, 2059).

Powers and Duties of Board of Directors:

The Board shall have all powers granted to it by Chapter 311 of the Texas Tax Code, including powers of a municipality under Chapter 380, Local Government Code. The Board shall not be authorized to:

- issue bonds;
- impose taxes or fees;
- exercise the power of eminent domain; or
- give final approval to the Zone's project and financing plan.

Property ID	Owner Name	Address	Legal	Acres	2023 Taxable Value
31753	WHARTON 55 LLC	1201 E MILAM	A20036 ABST.36 TRACT 24C	3.81	\$ 613
55729	WHARTON 55 LLC	S ALABAMA RD	A20036 ABST.36 TRACT 24-1,24-2,24-3,24-4,24-5,24-6	51.421	\$ 8,279
Total					\$ 8,892

****2023 Base Value to be verified by Wharton Central Appraisal District***

CITY OF WHARTON, TEXAS

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, APPROVING A PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF WHARTON, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE

WHEREAS, the City of Wharton, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City or the extraterritorial jurisdiction (the “ETJ”) of the municipality as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous geographic area that is in the corporate limits of the municipality or the extraterritorial jurisdiction (the “ETJ”) of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and,

WHEREAS, the City Council desires to promote the development of a certain contiguous geographic area in the City and the City’s ETJ, through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified in Chapter 311 of the Texas Tax Code; and

WHEREAS, on November 27, 2023, the City Council of the City of Wharton, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 2023-13 designating a contiguous geographic area within the City and the City’s ETJ as a Reinvestment Zone Number One, City of Wharton, Texas (the “Zone”); and

WHEREAS, as authorized by Section 311.011(e), and 311.008, of the Act, on December 11, 2023, the Board recommended that the Plan in Exhibit “A”, be approved by the City Council:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLYDE, TEXAS, THAT:

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council hereby makes the following findings of fact:

- i. That the Plan includes all information required by Sections 311.011(b) and (c) of the Act.
- ii. That the Plan is feasible and the project plan conforms to the City's master plan.

SECTION 3. APPROVAL OF PLAN.

That based on the findings set forth in Section 2 of this Ordinance, the Plan in Exhibit "A" is hereby approved.

SECTION 4. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place, and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law.

PASSED AND APPROVED ON this 11th day of December 2023.

CITY OF WHARTON

Tim Barker, Mayor

ATTEST:

Paula Favors, TRMC, CMC
City Secretary

APPROVED AS TO FORM:

Paul Webb
City Attorney

APPROVED AS TO CONTENT:

Joseph R. Pace
City Manager

EXHIBIT A
Project and Financing Plan

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

CITY COUNCIL COMMUNICATION

Meeting Date:	12/11/2023	Agenda Item:	Request from Ms. Joan Hawes to address the City Council regarding a variance for a Hay Permit.
<p>Attached you will find the email from Ms. Hawes regarding a variance for a Hay Permit.</p> <p>Ms. Hawes will be present to answer any questions.</p>			
City Manager: Joseph R. Pace		Date: Thursday, December 7, 2023	
Approval: 			
Mayor: Tim Barker			

bjimenez@cityofwharton.com

From: Claudia Velasquez <cvelasquez@cityofwharton.com>
Sent: Tuesday, December 5, 2023 3:18 PM
To: bjimenez
Subject: Fwd: Request for variance of hay permit ordinance

Please place agenda item for Mondays City Council.

Claudia Velasquez
Building Official
City of Wharton
120 E Caney St.
Wharton, TX 77488
Office: (979) 532-2491 x232
Fax: (979) 532-0181

Begin forwarded message:

From: Joan G Hawes
Date: Dec 5, 2023 at 12:29 PM
To: cvelasquez@cityofwharton.com <cvelasquez@cityofwharton.com>
Cc: Joan G Hawes
Subject: Fw: Request for variance of hay permit ordinance

Subject: Request for variance of hay permit ordinance

Ladies and gentlemen,

After speaking with both Nathan Vogt yesterday and Claudia Velasquez this morning in regard to the Hawes family 2024 Hay Lot permit applications, I've been informed that our Hawes family hay lot applications' approval depends on single ownership of the property, which is not possible since the property is owned in undivided interests. We have been baling hay in the City of Wharton using hay lot permits for over 30 years (I've only gone back to 1992 but I also remember way back when one of these properties had corn growing on it) and we depend on this hay for our cows.

I would greatly appreciate your approval of a variance to allow our family to continue baling hay. and am asking you to grant a variance today.

Thanking you in advance for your consideration in this matter,

I am, sincerely,

Joan G. Hawes
on behalf of my brother and sisters, Steve, Gail and Barbara

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

CITY COUNCIL COMMUNICATION

Meeting Date:	12/11/2023	Agenda Item:	Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street.
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Attached you will find Pay Request No. 5 & Final from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$65,377.65.

Director of Planning & Development Gwyn Teves will be present to answer any questions.

City Manager: Joseph R. Pace	Date: Thursday, December 7, 2023
Approval: 	
Mayor: Tim Barker	



City of Wharton

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

MEMORANDUM

DATE: December 5, 2023

FROM: Gwyneth Teves, Director of Planning & Development

TO: Honorable Mayor and City Council

SUBJECT: Recommendation for payment to Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street - Pay Estimate No. 5 & Final

The City Council awarded a contract for the Colorado River Flood Control Public Utility Abandonment Hughes Street to Aranda Industries.

Pay Estimate No. 5 & Final has been sent and recommendation for payment by the engineer are attached.

It is my recommendation that the City Council approve the invoice for \$65,377.65 and recommend payment.

If you should have any questions, please contact me at 979-532-2491 ext. 238. Thank You.



November 9, 2023

Mr. Joseph R. Pace
City of Wharton
120 E. Caney Street
Wharton, Texas 77488

Re: Construction of Colorado River Flood Control Hughes Street Utility Relocation
City of Wharton
JC Job No. 05135-0224-00

Dear Mr. Pace:

Enclosed is Progress Payment Request No. 5 FINAL from Aranda Industries, LLC for the referenced project. The estimate is in order and we recommend payment in the amount of \$65,377.65 to Aranda Industries, LLC.

Also enclosed is Construction Progress Report No. 5 FINAL. This report covers construction activities for the referenced project during the period July 31, 2022 to October 24, 2023.

You will also find your copies of the Contractor's Affidavit of Bills Paid and Affidavit of Guarantee. The Final Certificate of Substantial Completion will be provided under separate cover.

Sincerely,

A handwritten signature in blue ink that reads "Kristen Hennings".

Kristen Hennings, PE, CFM, LEED® Green Associate
Sr. Project Manager

KH/nvh/kmd

K:\05135\05135-0224-00 City of Wharton Colorado River Flood Con\3 Construction Phase\Pay Applications\Hughes Utility Relocation\05135-0224-00 EST LETTER.docx

Enclosure

cc: Mr. Luis Aranda, President – Aranda Industries

November 9, 2023

Construction Progress Report No. 5 FINAL
 Period July 31, 2022 to October 24, 2023

Construction of Colorado River Flood Control Hughes Street Utility Relocation
 City of Wharton
 JC Job No. 05135-0224-00

Contract:

- A. Contractor: Aranda Industries, LLC
- B. Contract Date: October 27, 2021
- C. Authorization to Proceed: October 27, 2021 (309 Calendar Days)
- D. Completion Date: August 31, 2022
- E. Contract Time Used: 729 Calendar Days (236%)

I. General

Contractor completed the project.

II. Change Orders / Final Adjustment of Quantities

Final Adjustment of Quantities Issued this Report.

III. Completion Report

A.	Estimated Cost as of this Report Period		
1.	Contract Bid Price	\$	839,419.00
2.	Change Orders	\$	51,944.70
3.	Total Estimated Contract Price	\$	891,363.70
4.	Adjustment to Final Quantities	\$	13,024.70
B.	Actual cost as of this Report	\$	891,363.70
C.	Amount Retained (0% of B)	\$	0.00
D.	Total Paid Contractor	\$	891,363.70
E.	Cost Remaining (A.3 - B)	\$	0.00
F.	Construction Complete (B/A.3)		100%

IV. Frequency of Observation – Periodically

V. Problems

No Problems This Report.



OWNER: City of Wharton					PROGRESS PAYMENT # 5 & FINAL					CONTRACT DATES		REMARKS	
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation										FROM	TO		
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21		23-Feb-22
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21		31-Aug-22
										THIS EST.	31-Jul-22	24-Oct-23	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE				
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT			
1	Move-in and start-up, including permits, performance bond, and payment bond for 100 percent (100%) of the contract amount.	LS	1.0	\$150,000.00	0.0%	\$0.00	100.0%	\$150,000.00	100.0%	\$150,000.00	100.0%		
PAVING ITEMS													
2	Saw cut existing asphalt pavement, complete in place.	LF	2,006.0	\$6.00	0.0	\$0.00	2,006.0	\$12,036.00	2,006.0	\$12,036.00	100.0%		
3	Removal and disposal of existing asphalt pavement, complete in place. Excess material shall become property of the contractor and disposed of in a legal manner.	SY	654.0	\$15.00	142.27	\$2,134.05	654.0	\$9,810.00	796.27	\$11,944.05	121.75%		
4	1.5-inch HMAC pavement (including materials, equipment, and labor), complete in place.	SY	654.0	\$95.00	196.27	\$18,645.65	600.0	\$57,000.00	796.27	\$75,645.65	121.75%		
SANITARY SEWER ITEMS													
5	Remove and replace 8-inch sanitary sewer pipe with 8-inch PVC sanitary sewer pipe via Open Cut method, over 12 foot depth, (including air testing, mandrel testing, bedding, backfill, and disposal of excess material), all materials, complete in place.	LF	775.0	\$240.00	0.0	\$0.00	775.0	\$186,000.00	775.0	\$186,000.00	100.0%		
6	Remove and replace 12-inch sanitary sewer pipe with 12-inch PVC sanitary sewer pipe via Open Cut Method, over 12 foot depth, (including air testing, mandrel testing, bedding, backfill, and disposal of excess material), all materials, complete in place. Excess material shall become property of the contractor and disposed of in a legal manner.	LF	40.0	\$260.00	0.0	\$0.00	40.0	\$10,400.00	40.0	\$10,400.00	100.0%		



OWNER: City of Wharton					PROGRESS PAYMENT # 5 & FINAL					CONTRACT DATES		
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation												
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21	23-Feb-22
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21	31-Aug-22
										THIS EST.	31-Jul-22	24-Oct-23
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS	
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT		
7	12-inch PVC sanitary sewer pipe via Open Cut Method, over 12 foot depth, (including air testing, mandrel testing, bedding and backfill), complete in place.	LF	40.0	\$260.00	0.0	\$0.00	40.0	\$10,400.00	40.0	\$10,400.00	100.0%	
8	Removal of 6-inch force main via Open Cut method, all depths (including materials, equipment, labor, and disposal of excess material), all materials, complete in place.	LF	45.0	\$293.00	0.0	\$0.00	45.0	\$13,185.00	45.0	\$13,185.00	100.0%	
9	6-inch C-900 PVC force main, all depths (including bends, fittings, bedding, backfill, testing, and reconnection to existing 6" force main as directed by Engineer), complete in place.	LF	45.0	\$293.00	0.0	\$0.00	45.0	\$13,185.00	45.0	\$13,185.00	100.0%	
10	Reconnection of internal and external sanitary services (including regrouting and sealing at connection points), all depths, complete in place.	EA	36.0	\$2,637.00	0.0	\$0.00	36.0	\$94,932.00	36.0	\$94,932.00	100.0%	
11	Connect existing 4-inch sanitary sewer to proposed sanitary sewer manhole (including regrouting and sealing at connection points, bedding, backfill, and testing), complete in place.	EA	1.0	\$6,510.00	0.0	\$0.00	1.0	\$6,510.00	1.0	\$6,510.00	100.0%	
12	Connect existing 6-inch sanitary sewer to proposed sanitary sewer manhole (including bedding, backfill, and testing), complete in place.	EA	1.0	\$6,510.00	0.0	\$0.00	1.0	\$6,510.00	1.0	\$6,510.00	100.0%	
13	Connect existing 8-inch sanitary sewer to proposed sanitary sewer manhole (including regrouting and sealing at connection points, bedding, backfill, and testing), complete in place.	EA	3.0	\$6,510.00	0.0	\$0.00	3.0	\$19,530.00	3.0	\$19,530.00	100.0%	



OWNER: City of Wharton					PROGRESS PAYMENT # 5 & FINAL					CONTRACT DATES		REMARKS	
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation										FROM	TO		
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21		23-Feb-22
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21		31-Aug-22
										THIS EST.	31-Jul-22	24-Oct-23	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE				
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT			
14	Connect existing 12-inch sanitary sewer to proposed sanitary sewer manhole (including regrouting and sealing at connection points, bedding, backfill, and testing), complete in place.	EA	2.0	\$6,510.00	0.0	\$0.00	2.0	\$13,020.00	2.0	\$13,020.00	100.0%		
15	Connect proposed 12-inch sanitary sewer to existing sanitary sewer manhole. Hole in manhole to be cored (including (including regrouting and sealing at connection points, bedding, backfill, and testing), complete in place.	EA	1.0	\$7,210.00	0.0	\$0.00	1.0	\$7,210.00	1.0	\$7,210.00	100.0%		
16	External sanitary sewer drop pipe assembly, 3-6 foot depth, complete in place.	EA	3.0	\$3,010.00	0.0	\$0.00	3.0	\$9,030.00	3.0	\$9,030.00	100.0%		
17	External sanitary sewer drop pipe assembly, 6-9 foot depth, complete in place.	EA	1.0	\$5,670.00	0.0	\$0.00	1.0	\$5,670.00	1.0	\$5,670.00	100.0%		
18	Remove and replace extra depth manhole with new extra depth sanitary sewer manhole, 12-14 foot depth, (including equipment, and materials), complete in place. Excess material shall become property of the contractor and disposed of in a legal manner.	EA	3.0	\$10,150.00	0.0	\$0.00	3.0	\$30,450.00	3.0	\$30,450.00	100.0%		
19	Extra depth sanitary sewer manhole, greater than 12 foot depth, complete in place.	EA	3.0	\$7,700.00	0.0	\$0.00	3.0	\$23,100.00	3.0	\$23,100.00	100.0%		
20	Sanitary sewer force main air release manhole (including 2" air release valve, fittings, bedding, backfill, and testing), complete in place.	EA	2.0	\$15,027.00	0.0	\$0.00	2.0	\$30,054.00	2.0	\$30,054.00	100.0%		
21	Trench safety system for sanitary sewer, all depths and sizes, complete as specified.	LF	945.0	\$1.00	0.0	\$0.00	945.0	\$945.00	945.0	\$945.00	100.0%		



OWNER: City of Wharton		PROGRESS PAYMENT # 5 & FINAL											
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation										CONTRACT DATES			
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21	23-Feb-22	
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21	31-Aug-22	
										THIS EST.	31-Jul-22	24-Oct-23	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS		
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT			
WATER LINE ITEMS													
22	Remove exist 6-inch PVC waterline, (including materials, equipment, labor, annd disposal of excess materials), complete in place.	LF	133.0	\$249.00	0.0	\$0.00	133.0	\$33,117.00	133.0	\$33,117.00	100.0%		
23	6-inch C-900 AWWA (DR18) Class 150, waterline (including valves, fittings, bedding, backfill, testing, and reconnection to existing 6" waterline as directed by Engineer), complete in place.	LF	133.0	\$249.00	0.0	\$0.00	133.0	\$33,117.00	133.0	\$33,117.00	100.0%		
24	6-inch x 45° restrained joint bends (including fittings, thrust blocks, bedding, backfill, and testing), complete in place.	EA	20.0	\$826.00	0.0	\$0.00	20.0	\$16,520.00	20.0	\$16,520.00	100.0%		
25	Remove and salvage existing fire hydrant, (including mateirals, equipment, and labor), complete in place. Salvaged equipment shall become the property of the City and excess materials shall be taken to a designated city facility.	EA	1.0	\$2,870.00	0.0	\$0.00	1.0	\$2,870.00	1.0	\$2,870.00	100.0%		
26	Installation of salvaged fire hydrant, (including tee, 6" gate valve, and box), complete in place.	EA	1.0	\$7,700.00	0.0	\$0.00	1.0	\$7,700.00	1.0	\$7,700.00	100.0%		
27	Cut, plug, and abandon fire hydrant lead per Specification 02556, (including plugs, fittings, materials, equipment, and labor), all sizes, complete in place.	EA	1.0	\$2,730.00	0.0	\$0.00	1.0	\$2,730.00	1.0	\$2,730.00	100.0%		
28	Trench safety system for waterline, all depths and sizes, complete as specified.	LF	133.0	\$1.00	0.0	\$0.00	133.0	\$133.00	133.0	\$133.00	100.0%		



OWNER: City of Wharton					PROGRESS PAYMENT # 5 & FINAL					CONTRACT DATES		
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation												
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21	23-Feb-22
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21	31-Aug-22
										THIS EST.	31-Jul-22	24-Oct-23
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS	
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT		
ADDITIONAL ITEMS												
29	Extra bank sand, as directed by the Engineer.	CY	25.0	\$45.00	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%	
30	Extra cement sand, as directed by the Engineer.	CY	25.0	\$60.00	0.0	\$0.00	0.0	\$0.00	0.0	\$0.00	0.0%	
31	Traffic control plan, per Texas MUTCD.	LS	1.0	\$20,000.00	5.0%	\$1,000.00	95.0%	\$19,000.00	100.0%	\$20,000.00	100.0%	
32	Storm water pollution prevention (SWPP) measures, as directed by engineer.	LS	1.0	\$2,500.00	5.0%	\$125.00	95.0%	\$2,375.00	100.0%	\$2,500.00	100.0%	
33	Bypass pumping (including equipment, labor, installation, operation, and maintenance), as specified by engineer.	LS	1.0	\$1,500.00	0.0%	\$0.00	100.0%	\$1,500.00	100.0%	\$1,500.00	100.0%	
34	Construction staking to be performed by Jones & Carter, Inc. Staking to be performed one time only. All additional staking is at the expense of the contractor.	LS	1.0	\$2,500.00	0.0%	\$0.00	100.0%	\$2,500.00	100.0%	\$2,500.00	100.0%	
CHANGE ORDER 001												
35	Power pole bracing	EA	1.0	\$2,500.00	0.0	\$0.00	1.0	\$2,500.00	1.0	\$2,500.00	100.0%	
36	54" RCP remove and reset for utility offsets	EA	1.0	\$5,500.00	0.0	\$0.00	1.0	\$5,500.00	1.0	\$5,500.00	100.0%	
CHANGE ORDER 002												
37	Manhole removal & replacement on existing 54" storm line	EA	2.0	\$7,973.00	0.0	\$0.00	2.0	\$15,946.00	2.0	\$15,946.00	100.0%	
CHANGE ORDER 003												
38	Remove exist 8-inch PVC waterline	LF	80.0	\$268.00	0.0	\$0.00	80.0	\$21,440.00	80.0	\$21,440.00	100.0%	
39	8-inch C-900 AWWA (DR18) class 150 waterline	LF	80.0	\$268.00	0.0	\$0.00	80.0	\$21,440.00	80.0	\$21,440.00	100.0%	



OWNER: City of Wharton					PROGRESS PAYMENT # 5 & FINAL					CONTRACT DATES		
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation												
JOB NO. : 05135-0224-00										ORIGINAL	27-Oct-21	23-Feb-22
CONTRACTOR: Aranda Industries, LLC										REVISED	27-Oct-21	31-Aug-22
										THIS EST.	31-Jul-22	24-Oct-23
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS	
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT		
40	8-inch x 45° restrained joint bends	EA	8.0	\$944.00	0.0	\$0.00	8.0	\$7,552.00	8.0	\$7,552.00	100.0%	
22	Remove exist 6-inch PVC waterline, (including materials, equipment, labor, annd disposal of excess materials), complete in place.	LF	133.0	\$249.00	0.0	\$0.00	(80.0)	(\$19,920.00)	(80.0)	(\$19,920.00)	-60.2%	
23	6-inch C-900 AWWA (DR18) Class 150, waterline (including valves, fittings, bedding, backfill, testing, and reconnection to existing 6" waterline as directed by Engineer), complete in place.	LF	133.0	\$249.00	0.0	\$0.00	(80.0)	(\$19,920.00)	(80.0)	(\$19,920.00)	-60.2%	
24	6-inch x 45° restrained joint bends (including fittings, thrust blocks, bedding, backfill, and testing), complete in place.	EA	20.0	\$826.00	0.0	\$0.00	(8.0)	(\$6,608.00)	(8.0)	(\$6,608.00)	-40.0%	
CHANGE ORDER 004												
41	Install 8-inch linestop	EA	1.0	\$8,330.00	0.0	\$0.00	1.0	\$8,330.00	1.0	\$8,330.00	100.0%	
42	Install 8-inch cut in gate valve & box	EA	1.0	\$2,660.00	0.0	\$0.00	1.0	\$2,660.00	1.0	\$2,660.00	100.0%	



OWNER: City of Wharton		PROGRESS PAYMENT # 5 & FINAL						CONTRACT DATES			
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation								FROM	TO		
JOB NO. : 05135-0224-00								ORIGINAL	27-Oct-21	23-Feb-22	
CONTRACTOR: Aranda Industries, LLC								REVISED	27-Oct-21	31-Aug-22	
								THIS EST.	31-Jul-22	24-Oct-23	
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
MATERIALS ON HAND			Invoice 71081-00	\$1,749.00		\$0.00		\$0.00		\$0.00	
			Invoice 71079-01	\$4,823.06		\$0.00		\$0.00		\$0.00	
			Invoice 71240-00	\$1,742.24		\$0.00		\$0.00		\$0.00	
			Invoice 71079-00	\$29,100.00		\$0.00		\$0.00		\$0.00	
			Invoice 71081-01	\$6,375.57		\$0.00		\$0.00		\$0.00	
			Invoice 1318	\$10,570.00		\$0.00		\$0.00		\$0.00	
			Invoice 1319	\$9,500.00		\$0.00		\$0.00		\$0.00	
TOTAL MATERIALS ON HAND				\$63,859.87		\$0.00		\$0.00		\$0.00	



OWNER: City of Wharton			PROGRESS PAYMENT # 5 & FINAL				CONTRACT DATES				
PROJECT: Colorado River Flood Control Hughes Street Utility Relocation						FROM	TO				
JOB NO. : 05135-0224-00						ORIGINAL	27-Oct-21	23-Feb-22			
CONTRACTOR: Aranda Industries, LLC						REVISED	27-Oct-21	31-Aug-22			
						THIS EST.	31-Jul-22	24-Oct-23			
ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	THIS ESTIMATE		PREVIOUS ESTIMATES		TOTAL TO DATE		REMARKS
					QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
CHANGE ORDER PLUS/MINUS					VALUE	DAYS					
	Change Order No. 001				\$8,000.00	0			\$8,000.00		
	Change Order No. 002				\$15,946.00	0			\$15,946.00		
	Change Order No. 003				\$3,984.00	179			\$3,984.00		
	Change Order No. 004				\$10,990.00	10			\$10,990.00		
	Final Adjustment of Quantities				\$13,024.70				\$13,024.70		
TOTAL CONTRACT MODIFICATIONS									\$51,944.70		
Subtotal (Line Items)					\$21,904.70		\$869,459.00	\$891,363.70			
Materials on Hand					\$0.00		\$0.00	\$0.00			
Subtotal (Materials on Hand/Line Items)					\$21,904.70		\$869,459.00	\$891,363.70			
0 Impact Days Requested this Pay Period	Less Retainage (0%)				\$0.00		\$43,472.95 (5%)	\$0.00			
0 Impact Days Approved this Pay Period	Total				\$21,904.70		\$825,986.05	\$891,363.70			
0 Impact Days Approved to Date	Less Previous Estimates							\$825,986.05			
189 Change Order Days	Due this Estimate							\$65,377.65			
419 Days Remaining	Orig. Contract Amount				\$839,419.00						
236% Complete by Time	Contract Modifications				\$51,944.70						
100% Complete by Value	Total Contract Amount				\$891,363.70						
Construction Remaining					\$0.00						
Amount Approved					\$65,377.65						
							APPROVED BY QUIDDITY ENGINEERING, LLC				
							BY: Kristen Hennings, PE, CFM, LEED® Green Associate				

AFFIDAVIT
OF
BILLS PAID

STATE OF TEXAS §

COUNTY OF WHARTON §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Luis Aranda of **ARANDA INDUSTRIES, LLC** well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am President of **ARANDA INDUSTRIES, LLC** and have personal knowledge of the matter stated in this affidavit. **ARANDA INDUSTRIES, LLC** has paid all of the labor and material costs in connection with construction for **CITY OF WHARTON** known as JC Job No. W5815-0048-00 Construction of Colorado River Flood Control Hughes Street Utility Relocation, and as of this date, there are no unpaid bills for labor performed upon, or materials or supplies delivered to or used in connection with such job.

This affidavit is made in connection with the final payment under the contract between **CITY OF WHARTON** and **ARANDA INDUSTRIES, LLC** and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

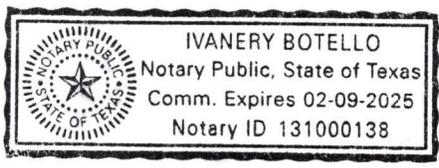
DATE: 11/7/23 _____


STATE OF TEXAS §

COUNTY OF Harris §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared, Luis Aranda known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that the executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 7th day of November, A.D., 2023.



Ivanery Botello
Notary Public Signature

(Notary Seal)

AFFIDAVIT

OF

GUARANTEE

STATE OF TEXAS §

COUNTY OF WHARTON §

Before me, a Notary Public in and for the State of Texas, on this day personally appeared Luis Aranda of **ARANDA INDUSTRIES, LLC** well known to me to be the person making this affidavit, who, being by me first duly sworn and deposed did say:

I am President of **ARANDA INDUSTRIES, LLC** and have personal knowledge of the matter stated in this affidavit. **ARANDA INDUSTRIES, LLC** does hereby give notice to the Owner, **CITY OF WHARTON** that work for the Owner, known as JC Job No. W5815-0048-00 Construction of Colorado River Flood Control Hughes Street Utility Relocation has been substantially completed. In accordance with the provisions of paragraph 5.07 Guarantee, of the General Conditions of Agreements, **ARANDA INDUSTRIES, LLC** does hereby guarantee all of the work under the contract to be free from faulty materials and improper workmanship in every particular, and against injury from proper and usual wear; and agrees to replace or re-execute without cost to the Owner such work as may be found to be improper or imperfect, and to make good all damage caused to other work or materials due to such required replacement or recompletion of all work under this contract, as evidenced by the Engineer's Certificate of Substantial Completion.

This affidavit is made in connection with the final payment under the contract between **CITY OF WHARTON** and **ARANDA INDUSTRIES, LLC** and with the knowledge that it will be relied upon in making such payment and that such payment would not be made except upon the truth of the matter contained in this affidavit.

DATE: 11/7/23

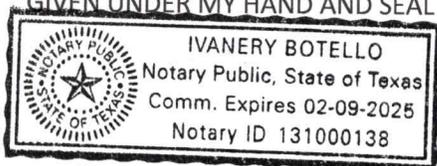
[Signature]

STATE OF TEXAS §

COUNTY OF Harris §

BEFORE ME, the undersigned, a Notary Public, in and for the State of Texas, on this day personally appeared, Luis Aranda known to me to be the person whose name subscribed to the foregoing instrument, and acknowledge to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 7th day of November, A.D., 2023.



[Signature]
Notary Public Signature

(Notary Seal)

FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION

Date: October 26, 2023

Owner: City of Wharton

Contractor: Aranda Industries, LLC

Engineer: Quiddity Engineering, LLC

Project: Construction of Colorado River Flood Control Hughes Street Utility Relocation

This final Certificate of Substantial Completion applies to:

All Work

The following specified portions of the Work: N/A

The Work to which this Certificate applies has been reviewed by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion designated above is hereby established in the preliminary Certificate of Substantial Completion, which is attached hereto.

The date upon this final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

The following documents are attached to and made a part of this Certificate: preliminary Certificate of Substantial Completion with punch list.

FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION

Date: October 26, 2023

Owner: City of Wharton

Contractor: Aranda Industries, LLC

Engineer: Quiddity Engineering, LLC

Project: Construction of Colorado River Flood Control Hughes Street Utility Relocation

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, is not a release of the Contractor's obligation to complete the Work in accordance with the Contract and does not warrant or imply a warranty of the Contractor's materials or workmanship.

EXECUTED BY ENGINEER:

By: 
(Authorized signature)

Name: Kristen Hennings



ACKNOWLEDGED:

By: _____
Owner (Authorized Signature)

Name: _____

Title: _____

Date: _____

ACKNOWLEDGED:

By: 
Contractor (Authorized Signature)

Name: Luis Aranda

Title: President

Date: 11/7/23

CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT

Project HUGHES ST UTILITY RELOCATION

Job No. 05135-0224-00

On receipt by the signer of this document of a check from CITY OF WHARTON (maker of check) in the sum of \$ 65,377.65 payable to ARANDA INDUSTRIES LLC (payee or payees of check) and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of CITY OF WHARTON (owner) located at HUGHES ST (location) to the following extent: HUGHES ST UTILITY RELOCATIONS (job description).

This release covers the final payment to the signer for all labor, services, equipment, or materials furnished to the property or to CITY OF WHARTON (person with whom signer contracted).

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer.

The signer warrants that the signer has already paid or will use the funds received from this final payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project up to the date of this waiver and release.

Date 11/7/23

ARANDA INDUSTRIES LLC (Company name)

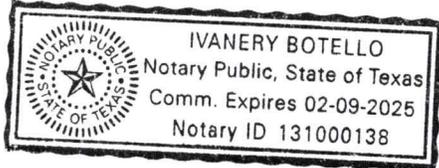
By [Signature] (Signature)

PRESIDENT (Title)

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 7 day of NOVEMBER, 2023, by LUIS ARANDA (name), PRESIDENT (job title) of ARANDA INDUSTRIES LLC (company name).

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



NOTICE:

This document waives rights unconditionally and states that you have been paid for giving up those rights. It is prohibited for a person to require you to sign this document if you have not been paid the payment amount set forth below. If you have not been paid, use a conditional release form.

UNCONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project HUGHES ST UTILITY RELOCATION

Job No. 05135-0224-00

The signer of this document has been paid and has received a progress payment in the sum of \$ 279,896.72 for all labor, services, equipment, or materials furnished to the property or to CITY OF WHARTON (person with whom signer contracted) on the property of CITY OF WHARTON (owner) located at HUGHES ST (location) to the following extent: HUGHES ST UTILITY RELOCATION (job description). The signer therefore waives and releases any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the above referenced project to the following extent:

This release covers a progress payment for all labor, services, equipment, or materials furnished to the property or to CITY OF WHARTON (person with whom signer contracted) as indicated in the attached statement(s) or progress payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished.

The signer warrants that the signer has already paid or will use the funds received from this progress payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project in regard to the attached statement(s) or progress payment request(s).

Date 11-9-23

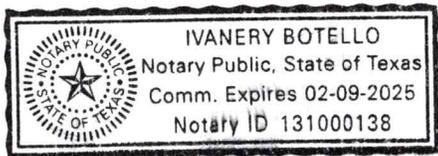
ARANDA INDUSTRIES LLC (Company name)

By [Signature] (Signature)

PRESIDENT (Title)

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 7TH day of NOVEMBER, 2023, by LUIS ARANDA (name), PRESIDENT (job title) of ARANDA INDUSTRIES LLC (company name).



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

AIA[®] Document G707[™] – 1994

Consent of Surety to Final Payment

PROJECT: <i>(Name and address)</i> Colorado River Flood Control Hughes Street Utility Relocation	ARCHITECT'S PROJECT NUMBER: Bond No. 800055282	OWNER <input checked="" type="checkbox"/>
	CONTRACT FOR: General Construction	ARCHITECT <input type="checkbox"/>
		CONTRACTOR <input type="checkbox"/>
TO OWNER: <i>(Name and address)</i> City of Wharton	CONTRACT DATED:	SURETY <input type="checkbox"/>
		OTHER <input type="checkbox"/>

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

Atlantic Specialty Insurance Company
605 Highway 169 North, Suite 800 Plymouth, MN 55441

, SURETY,

on bond of
(Insert name and address of Contractor)

Aranda Industries, LLC
4206 Northwind Lane Houston, TX 77014

, CONTRACTOR,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve
the Surety of any of its obligations to
(Insert name and address of Owner)

City of Wharton

, OWNER,

as set forth in said Surety's bond.

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date: October 17, 2023
(Insert in writing the month followed by the numeric date and year.)

Atlantic Specialty Insurance Company
(Surety)


(Signature of authorized representative)

Megan Liescheski, Attorney-in-Fact
(Printed name and title)

Attest:
(Seal) 
Mireli Stanford, Surety Witness

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Brian P. Herrera, Justin McQuain, Megan Liescheski, Jacob Strader, Mireli Stanford**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

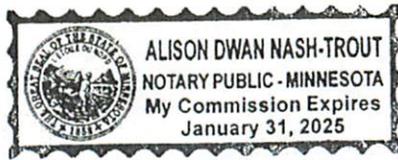
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.



By 
Sarah A. Kolar, Vice President and General Counsel

STATE OF MINNESOTA
HENNEPIN COUNTY

On this first day of January, 2023, before me personally came Sarah A. Kolar, Vice President and General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.




Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 17th day of October, 2023.

This Power of Attorney expires
January 31, 2025




Kara L.B. Barrow, Secretary

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

CITY COUNCIL COMMUNICATION

Meeting Date:	12/11/2023	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.
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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.

City Manager: Joseph R. Pace	Date: Thursday, December 7, 2023
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	
Barbie Fortenberry	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	
Vacant	June 30, 2025	
Delia Gonzales	June 30, 2025	
Sheena Barbee	June 30, 2025	
Cheryl Lavergne	June 30, 2025	
Mayor Tim Barker- Ex Officio		
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HEALTH OFFICER	TWO YEAR TERM	Reappointment
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Dr. Jeff Gubbels, MD	June 30, 2024	
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VETERINARIAN	TWO YEAR TERM	Reappointment
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Dr. Cody Pohler, DVM	June 30, 2024	
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MUNICIPAL COURT JUDGE	TWO YEAR TERM	Reappointment
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Jared Cullar	June 30, 2025	
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PLANNING COMMISSION	TWO YEAR TERM	Reappointment
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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	
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PLUMBING AND MECHANICAL BOARD	TWO YEAR TERM	Reappointment
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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		
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WHARTON ECONOMIC DEVELOPMENT CORPORATION	TWO YEAR TERM	Reappointment
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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:	12/11/2023	Agenda Item:	City Council Boards, Commissions, and Committee Reports: A. Finance Committee meeting held November 27, 2023.
Attached you will find the reports from the above-mentioned Committees.			
City Manager: Joseph R. Pace		Date: Thursday, December 7, 2023	
Approval: 			
Mayor: Tim Barker			



City of Wharton

120 E. Caney Street ° Wharton, TX
77488

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

MEMORANDUM

Date: November 28, 2023

From: City Council Finance Committee

To: Mayor & City Council

Subject: Report/Recommendations from the meeting held November 27, 2023

At the November 27, 2023, City Council Finance Committee Meeting, the Committee met and discussed the following items:

1. Review & Consider: Minutes from the meeting held October 9, 2023.
2. Review & Consider: Ordinance: An ordinance of the City Council of the City of Wharton, Texas, designating a contiguous geographic area within the City Limits and within the Extraterritorial Jurisdiction of the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number One, City of Wharton; describing the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a Tax Increment Fund for the Zone; containing findings related to the creation of the Zone; providing a date for the termination of the Zone; providing that the Zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date. The Committee voted to recommend this item to the City Council for consideration.
3. Review & Consider: Resolution: A resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to enter into a lease agreement with Enterprise Fleet Management, Inc. for the Public Works Department, Code Enforcement Department, and Police Department and authorizing the Mayor to execute all documents related to said lease. The Committee voted to recommend this item to the City Council for consideration.

Adjournment.