

**MINUTES
OF
CITY OF WHARTON
REGULAR CITY COUNCIL MEETING
MARCH 25, 2019**

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 Don Mueller led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Al Bryant, Terry Freese, Alice Heard-Roberts, Don Mueller and Steve Schneider.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Andel, City Attorney Paul Webb, City Secretary Paula Favors, TRMC, CPM, Community Development Director Gwyneth Teves, Assistant to the City Manager Brandi Jimenez and Interim Public Works Director Robert Ewart.

Visitors present were: Kaytee Cenko, Kynsley Johse, Debra Medina, James Gilley, Jr. with U.S. Capital Advisors LLC, Tom Sage and Audra Herrera with Hunton Andrews Kurth, LLP,

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmember Russell Machann. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments were given.

The fourth item on the agenda was the Wharton Moment. Councilmember Al Bryant stated the Mennonite Disaster Service's House #1 was completed and all were invited to attend a dedication of the home on Friday, March 29 at 1 p.m. Councilmember Terry Freese congratulated Mayor Tim Barker's grandson Blake on his accomplishment of participating in the State Power Lifting Competition finishing in 11th place. City Attorney Paul Webb gave his condolences to the family of Mr. John William "Jay" Baker who passed away on March 22, 2019.

The fifth item on the agenda was to review and consider the City of Wharton Finance Report for February 2019. Finance Director Joan Andel presented the financial report for the month of February 2019. Mrs. Andel stated that the TexPool balance for February was \$3,605,296.80 with an average monthly yield of 2.40%. She said the Prosperity Bank

balance for February 2019 was \$3,695,469.56 with an average monthly yield of 25%. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Financial Report for the month of February 2019. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider an ordinance authorizing the issuance of City of Wharton, Texas Tax Anticipation Notes, Series 2019. City Manager Andres Garza, Jr. stated that on January 14, 2019, Mr. James Gilley of U.S. Capital Advisors LLC met with the City Council regarding the issuance of the City of Wharton Tax Anticipation Notes, Series 2019 to be used to fund the acquisition of land or interest in land for the purpose of flood control and the costs of professional services incurred. City Manager Garza said the City Council voted to move forward and obtain bids for the Tax Anticipation Notes and the bids were received and presented by Mr. James Gilley bids at the Finance Committee meeting on Monday, March 25, 2019. Finance Director Joan Andel stated the Finance Committee was recommending the City Council consider approving Amegy Bank at a rate of 2.32%. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2019-13, which read as follows:

ORDINANCE NO. 2019-13
ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF
WHARTON, TEXAS, TAX ANTICIPATION NOTE, SERIES 2019

THE STATE OF TEXAS §
COUNTY OF WHARTON §
CITY OF WHARTON §

WHEREAS, the City of Wharton, Texas (the "City") is authorized to issue notes payable from ad valorem taxes pursuant to Chapter 1431, Texas Government Code;

WHEREAS, the City Council of the City hereby finds and determines that it is necessary and in the best interest of the City and its citizens to issue the "City of Wharton, Texas Tax Anticipation Note, Series 2019" for the purposes herein described and that the Note shall be payable from and secured by ad valorem taxes levied, within the limits prescribed by law, on all taxable property within the City; Now, Therefore

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

1. Definitions. Throughout this ordinance the following terms and expressions as used herein shall have the meanings set forth below:

"Act" means Chapter 1431, Texas Government Code.

"Business Day" means any day that is not a Saturday, Sunday, a day on which the Registrar is authorized by law or executive order to close, or a legal holiday.

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“City” means the City of Wharton, Texas.

“Code” means the Internal Revenue Code of 1986.

“Comptroller” means the Comptroller of Public Accounts of the State of Texas.

“Debt Service Fund” means the Debt Service fund established by the City pursuant to Section 15 of this Ordinance.

“Initial Note” means the Initial Note authorized by Section 5(d) of this Ordinance.

“Interest Payment Date”, when used in connection with any Note, means June 1, 2020, and each December 1 and June 1 thereafter until maturity.

“Issuance Date” means the date on which the Note are delivered to and paid for by the Purchaser.

“Note” means the note of the City of Wharton, Texas, Tax Anticipation Note, Series 2019 authorized in this Ordinance, unless the context clearly indicates otherwise.

“Ordinance” as used herein and in the Note means this ordinance authorizing the Note.

“Owner” means any person who shall be the registered owner of any outstanding Note.

“Private Placement Letter” means the letter agreement described in Section 18 of this Ordinance.

“Purchaser” means Zions Bancorporatoin, N.A.

“Record Date” means, for any Interest Payment Date, the close of business on the 15th day of the month next preceding such Interest Payment Date.

“Register” means the books of registration kept by the Registrar, in which are maintained the names and addresses of, and the principal amounts of the Note registered to, each Owner.

“Registrar” means Zions Bancorporation, N.A. and its successors in that capacity.

2. Authorization. The Note shall be issued pursuant to the Act in fully registered form, without coupons, in the aggregate principal amount of \$1,555,000, for the (i) acquisition of land or interest in land for the purpose of flood control and (ii) the costs of professional services incurred in connection with any of the foregoing.

3. Designation, Date, and Interest Payment Dates. The Note shall be designated as the “CITY OF WHARTON, TEXAS, TAX ANTICIPATION NOTE, SERIES 2019”, and shall be dated April 1, 2019. The Note shall bear interest payable on each Interest Payment Date at the rate set forth below from the later of the Issuance Date, or the most recent Interest Payment Date to which interest has been paid or duly provided for, calculated on the basis of a 360-day year of twelve 30-day months.

4. Initial Note; Numbers and Denominations. The Note shall be initially issued as a single fully registered obligation in the principal amount of \$1,555,000, and bearing interest at the rate of 2.32%, and may be transferred and exchanged as set out in this Ordinance. The Note shall mature on December 1, 2025 with principal installments thereof to become due and payable on June 1, 2020 in the years and the amounts set forth in the following schedule. The Initial Note shall be numbered I-1 and all other Note shall be numbered in sequence beginning with R-1. Note delivered on transfer of or in exchange for other Note shall be numbered in order of their authentication by the Registrar, shall be in denominations of \$100,000 and multiples of \$1,000 in excess thereof, and shall mature on the same date and bear interest at the same rate as the Note in lieu of which they are delivered.

<u>Date</u>	<u>Principal Installments</u>
06/01/2020	\$205,000
06/01/2021	\$215,000
06/01/2022	\$215,000
06/01/2023	\$220,000
06/01/2024	\$225,000
06/01/2025	\$235,000
12/01/2025	\$240,000

5. Execution of Note; Seal. (a) The Note shall be signed on behalf of the City by the Mayor and countersigned by the City Secretary or Deputy City Secretary, by their manual, lithographed, or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Note shall have the same effect as if each of the Note had been signed manually and in person by each of said officers, and such facsimile seal on the Note shall have the same effect as if the official seal of the City had been manually impressed upon each of the Note.

(b) If any officer of the City whose manual or facsimile signature shall appear on the Note shall cease to be such officer before the authentication of such Note or before the delivery of such Note, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Note shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Registrar’s Authentication Certificate substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Registrar. In lieu of the executed Registrar’s Authentication Certificate

described above, the Initial Note delivered at the Issuance Date shall have attached hereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by his duly authorized agent, which certificate shall be evidence that the Initial Note has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Issuance Date, the Initial Note, being a single note representing the entire principal amount of the Note, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and the City Secretary or Deputy City Secretary of the City, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts, shall be delivered to the Purchaser or its designee. If the Purchaser desires, it may hold the Initial Note in lieu of holding definitive Note.

6. Payment of Principal and Interest. The Registrar is hereby appointed as the paying agent and registrar for the Note. The principal of the Note shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and payable to the Registrar at its principal payment office in Houston, Texas. The interest on each Note shall be payable on each Interest Payment Date, by check mailed by the Registrar on or before the Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register, or by such other method, requested by the Owner, acceptable to the Registrar.

If the date for payment of the principal of or interest on any Note is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

7. Successor Registrars. The City covenants that at all times while any Note are outstanding it will provide a commercial bank, trust company, financial institution or other entity duly qualified and legally authorized to serve as and perform the duties and services of Registrar for the Note. The City reserves the right to change the Registrar on not less than thirty (30) days written notice to the Registrar, so long as any such notice is effective not less than sixty (60) days prior to the next succeeding principal or interest payment date on the Note; provided, that the City shall not terminate the initial Paying Agent/Registrar so long as the initial Purchaser is the sole owner of the Note. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first class postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

8. Special Record Date. If interest on any Note is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall

establish a new record date for the payment of such interest, to be known as a Special Record Date. The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the City. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

9. Ownership; Unclaimed Principal and Interest. The City, the Registrar and any other person may treat the person in whose name any Note is registered as the absolute owner of such Note for the purpose of making and receiving payment of the principal of or interest on such Note, and for all other purposes, whether or not such Note is overdue, and neither the City nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Note in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Registrar upon such Note to the extent of the sums paid.

Amounts held by the Registrar which represent principal of and interest on the Note remaining unclaimed by the Owner after the expiration of three years from the date such amounts have become due and payable shall be reported and disposed of by the Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code.

10. Registration, Transfer, and Exchange. So long as any Note remain outstanding, the Registrar shall keep the Register at its principal payment office in Houston, Texas, and subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Note in accordance with the terms of this Ordinance.

Each Note shall be transferable only upon the presentation and surrender thereof at the principal payment office of the Registrar in Houston, Texas, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Note in proper form for transfer, the Registrar shall authenticate and deliver in exchange therefor, within three Business Days after such presentation, a new Note, registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Note so presented.

All Note shall be exchangeable upon presentation and surrender at the principal payment office of the Registrar in Houston, Texas, for a Note of like maturity and interest rate and in any authorized denomination, in an aggregate amount equal to the unpaid principal amount of the Note presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Note in accordance with the provisions of this Section. Each Note delivered in accordance with this Section shall be entitled to the

benefits and security of this Ordinance to the same extent as the Note in lieu of which such Note is delivered.

The City or the Registrar may require the Owner of any Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Note. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the City.

11. Mutilated, Lost, or Stolen Note. Upon the presentation and surrender to the Registrar of a mutilated Note, the Registrar shall authenticate and deliver in exchange therefor a replacement Note of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. If any Note is lost, apparently destroyed, or wrongfully taken, the City, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Note has been acquired by a bona fide purchaser, shall authorize and the Registrar shall authenticate and deliver a replacement Note of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The City or the Registrar may require the Owner of a mutilated Note to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar. The City or the Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Note, before any replacement Note is issued, to:

- (1) furnish to the City and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Note;
- (2) furnish such security or indemnity as may be required by the Registrar and the City to save them harmless;
- (3) pay all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (4) meet any other reasonable requirements of the City and the Registrar.

If, after the delivery of such replacement Note, a bona fide purchaser of the original Note in lieu of which such replacement Note was issued presents for payment such original Note, the City and the Registrar shall be entitled to recover such replacement Note from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the City or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Note has become or is about to become due and payable, the City in its discretion may, instead of issuing a replacement Note, authorize the Registrar to pay such Note.

Each replacement Note delivered in accordance with this Section shall be entitled to the benefits and security of this Ordinance to the same extent as the Note in lieu of which such replacement Note is delivered.

12. Cancellation of Note. All Note paid in accordance with this Ordinance, and all Note in lieu of which exchange Note or replacement Note are authenticated and delivered in accordance herewith, shall be cancelled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the City with appropriate certificates of destruction of such Note.

13. Optional Redemption; Defeasance. (a) The City reserves the right, at its option, to redeem prior to maturity the Notes, in whole or in part, on any date, at a price equal to the principal amount of the Notes or portions thereof called for redemption plus accrued interest to the date of redemption.

(b) Notes may be redeemed only in integral multiples of \$1,000 of principal amount. If a Note subject to redemption is in a denomination larger than \$1,000, a portion of such Note may be redeemed, but only in integral multiples of \$1,000. In selecting portions of Notes for redemption, the Paying Agent/Registrar shall treat each Note as representing that number of Notes of \$1,000 denomination which is obtained by dividing the principal amount of such Note by \$1,000. Upon surrender of any Note for redemption in part, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a Note or Notes of like maturity and interest rate in an aggregate principal amount equal to the unredeemed portion of the Note so surrendered.

(c) Not less than thirty (30) days prior to a redemption date for the Notes, a notice of redemption will be sent by U.S. mail, first class postage prepaid, in the name of the City to each Owner of a Note to be redeemed in whole or in part at the address of such Owner appearing on the Register at the close of business on the business day next preceding the date of mailing. Such notices shall state the redemption date, the redemption price, the place at which Notes are to be surrendered for payment and, if less than all Notes outstanding are to be redeemed, the numbers of Notes or portions thereof to be redeemed. Any notice of redemption so mailed as provided in this Section will be conclusively presumed to have been duly given, whether or not the Registered Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for payment of the redemption price of the Notes or portions thereof to be redeemed. When Notes have been called for redemption in whole or in part and notice of redemption has been given as herein provided, the Notes or portions thereof so redeemed shall no longer be regarded to be outstanding, except for the purpose of receiving payment solely from the funds so provided for redemption, and interest which would otherwise accrue after the redemption date on any Note or portion thereof called for redemption shall terminate on the date fixed for redemption.

(d) The Notes may be discharged or defeased in any manner now or hereafter permitted by law.

14. Forms. The form of the Note, including the form of the Registrar's Authentication Certificate, the form of Assignment, and the form of Registration Certificate of the Comptroller shall be, respectively, substantially as follows, with such additions, deletions and variations as may be necessary or desirable and not prohibited by this Ordinance:

(a) Form of Note.

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF WHARTON

NUMBER DENOMINATION

\$1,220,000

REGISTERED

REGISTERED

CITY OF WHARTON, TEXAS
TAX ANTICIPATION NOTE
SERIES 2019

INTEREST RATE:	MATURITY DATE:	DATED DATE:	ISSUANCE DATE:
2.32%	June 1, 2025	April 1, 2019	April 26, 2019

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The City of Wharton, Texas (the "City") promises to pay to the registered owner identified above, or registered assigns (the "Registered Owner"), on the maturity date specified above, upon presentation and surrender of this Note at Zions Bancorporation, N.A., (the "Registrar") at its principal payment office in Houston, Texas, the principal amount identified above, payable in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due the United States of America, and to pay interest thereon, calculated on the basis of a 360-day year of twelve 30-day months, from the later of April 26, 2019, or the most recent interest payment date to which interest has been paid or duly provided for with such principal to be paid in installments on June 1 with final maturity of the Note on December 1, 2025. Interest on this Note is payable by check on each June 1 and December 1, beginning on June 1, 2020, mailed to the registered owner of record as of the close of business on the 15th business day of the month preceding each interest payment date. The payment of all other principal installments of and interest on this Note is payable by (i) check mailed to the Registered Owner as shown on the books of registration kept by the

Registrar as of the close of business on the 15th day of the month next preceding each interest payment date or (ii) such other method, acceptable to the Registrar, requested by, and at the expense of the Registered Owner.

THIS NOTE is one of a duly authorized issue of Note, aggregating \$1,555,000 (the "Note"), issued for the (i) acquisition of land or interest in land for the purpose of flood control and (ii) the costs of professional services incurred in connection with any of the foregoing under and in strict conformity with the Constitution and laws of the State of Texas, including Chapter 1431, Texas Government Code, and pursuant to an ordinance adopted by the City (the "Ordinance"), which Ordinance is of record in the official minutes of the City Council.

THIS NOTE MAY BE TRANSFERRED ONLY TO "ACCREDITED INVESTORS" AS THAT TERM IS DEFINED IN SECURITIES AND EXCHANGE COMMISSION RULE 144A.

THIS NOTE IS EXCHANGEABLE at the principal payment office of the Registrar in Houston, Texas, for Note in the principal amount of \$100,000 or any integral multiple of \$1,000 in excess thereof, subject to the terms and conditions of the Ordinance.

THE CITY RESERVES THE RIGHT, at its option, to redeem prior to maturity the Note, in whole or in part, on any date, at a price equal to the principal amount of the Note or portions thereof called for redemption plus accrued interest to the date of redemption.

NOTICE OF ANY REDEMPTION shall be given at least thirty (30) days prior to the date fixed for redemption by first class U.S. mail, postage prepaid, addressed to the registered owner of each Note to be redeemed in whole or in part at the address shown on the books of registration kept by the Paying Agent/Registrar. When Note or portions thereof have been called for redemption, and due provision has been made to redeem the same, the amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall cease to accrue on the date fixed for redemption.

THIS NOTE shall not be valid or obligatory for any purpose or be entitled to any benefit under the Ordinance unless this Note is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

THIS NOTE IS TRANSFERABLE only upon presentation and surrender at the principal corporate trust office of the Paying Agent/Registrar, accompanied by an assignment duly executed by the Registered Owner or its authorized representative, subject to the terms and conditions of the Ordinance.

THE REGISTERED OWNER of this Note, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Ordinance.

THE CITY has covenanted in the Ordinance that it will at all times provide a legally qualified registrar for the Note and will cause notice of any change of registrar to be mailed to each registered owner.

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Note have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied, within the limits prescribed by law, against all taxable property in the City and have been pledged irrevocably for such payment.

IN WITNESS WHEREOF, this Note has been signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary or Deputy City Secretary of the City and the official seal of the City has been duly impressed, or placed in facsimile, on this Note.

(AUTHENTICATION
CERTIFICATE)

(SEAL)

CITY OF WHARTON, TEXAS

Mayor

City Secretary

(b) Form of Registration Certificate.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that this Note has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Note has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

(c) Form of Registrar's Authentication Certificate.

AUTHENTICATION CERTIFICATE

It is hereby certified that this Note has been delivered pursuant to the Ordinance described in the text of this Note.

Paying Agent/Registrar

By _____
Authorized Signature
Date of Authentication _____

(d) Form of Assignment.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

(Please print or type name, address, and zip code of Transferee)

(Please insert Social Security or Taxpayer Identification Number of Transferee)
the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Registered Owner
NOTICE: The signature above must correspond to the name of the registered owner as shown on the face of this Note in every particular, without any alteration, enlargement or change whatsoever.

Signature Guaranteed:

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

(e) The Initial Note shall be in the form set forth in paragraphs (a), (b), (d) and (e) of this Section, except for the following alterations:

(i) the Initial Note shall be numbered I-1.

15. Debt Service Fund; Tax Levy. The proceeds from all taxes levied, assessed and collected for and on account of the Note authorized by this Ordinance shall be deposited, as collected, in a special fund to be designated "City of Wharton, Texas, Tax

Anticipation Note, Series 2019, Debt Service Fund". While the Note or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually levied, assessed and collected in due time, form and manner and at the same time other City taxes are levied, assessed and collected, in each year, a continuing direct annual ad valorem tax, within the limits prescribed by law, upon all taxable property in the City sufficient to pay the current interest on said Note as the same becomes due, and to provide and maintain a sinking fund sufficient to pay the principal of the Note as such principal matures but never less than two percent (2%) of the original principal amount of the Note each year, full allowance being made for delinquencies and costs of collection, and said taxes when collected shall be applied to the payment of the interest on and principal of the Note and to no other purpose.

To pay the debt service coming due on the Note prior to receipt of taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amounts shall be used for no other purpose.

16. Application of Chapter 1208, Texas Government Code. Chapter 1208, Texas Government Code, applies to the issuance of the Note and the pledge of the taxes granted by the City under Section 15 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Note are outstanding an unpaid such that the pledge of the taxes granted by the City under Section 15 of this Ordinance is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, then in order to preserve to the registered owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Texas Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

17. Further Proceedings. After the Initial Note has been executed, it shall be the duty of the Mayor and other appropriate officials and agents of the City to deliver the Initial Note and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval. After the Initial Note has been approved by the Attorney General, it shall be delivered to the Comptroller for registration. Upon registration of the Initial Note, the Comptroller (or the Comptroller's bond clerk or an assistant bond clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate prescribed herein and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

18. Sale; Private Placement Letter. The Note are hereby sold and shall be delivered to the Purchaser at a price of par, in accordance with the terms of the Private Placement Letter of even date herewith, presented to and hereby approved by the City Council, which price and terms are hereby found and determined to be the most advantageous reasonably obtainable by the City. The Mayor and other appropriate officials of the City are hereby authorized to execute the Private Placement Letter and to do any and

all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Note.

19. Covenants to Maintain Tax Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

“Code” means the Internal Revenue Code of 1986.

“Computation Date” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Gross Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Investment” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Issue Date” for each series or sub-series of the Note or other obligations of the City is the respective date on which such series or sub-series of the Note or other obligations of the City is delivered against payment therefor.

“Net Sale Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Nonpurpose Investment” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Proceeds” has the meaning stated in Section 1.148-1(b) of the Regulations.

“Rebate Amount” has the meaning stated in Section 1.148-3 of the Regulations.

“Regulations” means the temporary or final Income Tax Regulations applicable to the Note issued pursuant to Sections 141 through 150 of the Code. Any reference to a section of the Regulations shall also refer to any successor provision to such section hereafter promulgated by the Internal Revenue Service pursuant to Sections 141 through 150 of the Code and applicable to the Note.

“Yield of”

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(1) any Investment shall be computed in accordance with Section 1.148-5 of the Regulations, and

(2) the Note shall be computed in accordance with Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of or omit to use Gross Proceeds of the Note or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted, respectively, would cause the interest on any Note to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Note, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the regulations and rulings thereunder, the City shall, at all times after the Issue Date of any Note and prior to the last stated maturity of the Note,

(i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of the Note and not use or permit the use of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or

(ii) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of the Note or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds other than taxes of general application and interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by section 141 of the Code and the regulations and rulings relating to section 141 of the Code, the City shall not use Gross Proceeds of the Note to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be "loaned" to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take or pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such

property are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the final stated maturity or final payment of the Note, directly or indirectly invest Gross Proceeds of the Note in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Note.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Note to be federally guaranteed within the meaning of Section 149(b) of the Code and the regulations and rulings thereunder.

(g) Information Report. The City shall timely file with the Secretary of the Treasury the information required by Section 149(e) of the Code with respect to the Note on such forms and in such place as such Secretary may prescribe.

(h) Payment of Rebate Amount. Except to the extent otherwise provided in Section 148(f) of the Code and the regulations and rulings thereunder, the City shall:

(i) account for all Gross Proceeds of the Note (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of such accounting for at least nine years after the final Computation Date. The City may, however, to the extent permitted by law, commingle Gross Proceeds of the Note with other money of the City, provided that the City separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith,

(ii) calculate the Rebate Amount with respect to the Note not less frequently than each Computation Date, in accordance with rules set forth in Section 148(f) of the Code, Section 1.148-3 of the Regulations, and the rulings thereunder. The City shall maintain a copy of such calculations for at least three years after the final Computation Date,

(iii) as additional consideration for the purchase of the Note by the initial purchasers thereof and the loan of the money represented thereby, and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (ii) above at the times, in the installments, to the place, in the manner and accompanied by such forms or other information as

is or may be required by Section 148(f) of the Code and the regulations and rulings thereunder, and

(iv) exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (ii) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the City shall not, at any time after the Issue Date of the Note and prior to the earlier of the final stated maturity or final payment of the Note, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Note not been relevant to either party.

(j) Not Hedge Bonds. The City will not invest more than fifty (50) percent of the Proceeds of the Note in Nonpurpose Investments having a guaranteed yield for four years or more. On the Issue Date, the City will reasonably expect that at least eighty-five (85) percent of the Net Sale Proceeds of the Note will be used to carry out the governmental purpose of such series within three years after the Issue Date.

20. Qualified Tax-Exempt Obligations. The City hereby designates the Note as "qualified tax-exempt obligations" for purposes of section 265(b) of the Code. In connection therewith, the City represents (a) that the aggregate amount of tax-exempt obligations issued by the City during calendar year 2019, including the Note, which have been designated as "qualified tax-exempt obligations" under section 265(b)(3) of the Code does not exceed \$10,000,000, and (b) that the reasonably anticipated amount of tax-exempt obligations which will be issued by the City during calendar year 2019, including the Note, will not exceed \$10,000,000. For purposes of this Section, the term "tax-exempt obligation" does not include "private activity bonds" within the meaning of section 141 of the Code, other than "qualified 501(c)(3) bonds" within the meaning of section 145 of the Code. In addition, for purposes of this Section, the City includes all entities which are aggregated with the City under the Code.

21. Use of Proceeds. Proceeds from the sale of the Note shall be used for the purposes described in Section 2 of this Ordinance and for paying the costs of issuance of the Note. Any proceeds remaining after accomplishing the purposes set out in Section 2 and paying costs of issuance, including earnings on investments of such proceeds, shall be transferred to the Debt Service Fund.

22. Related Matters. The Mayor, the City Manager, the City Secretary, the Deputy City Secretary and other appropriate officials of the City are hereby authorized and

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directed to do any and all things necessary and/or convenient to carry out the terms of this Ordinance.

23. Registrar. The form of agreement setting forth the duties of the Registrar is hereby approved, and the appropriate officials of the City are hereby authorized to execute such agreement for and on behalf of the City.

24. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Note or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Note.

25. Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

PASSED AND APPROVED on the 25th day of March, 2019.

Mayor
City of Wharton, Texas

ATTEST:

City Secretary
City of Wharton, Texas

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

The seventh item discussed on the agenda was to review and consider a request by F & W Storage Company LLC to Re-Plat 204 W. Third St., Victor, Block A, Lots 7,8,9. City Manager Andres Garza, Jr. presented a memorandum from the Planning Commission and a copy of the draft Re-Plat. Community Development Director Gwyn Teves stated the Planning Commission was recommending approval for the request by F & W Storage Company LLC to Re-Plat 204 W. Third St., Victor, Block A, Lots 7,8,9 to construct a climate control storage building 100' x 40'. After some discussion, Councilmember Al Bryant moved to approve the request by F & W Storage Company LLC to Re-Plat 204 W. Third St., Victor, Block A, Lots 7,8,9. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item discussed on the agenda was to review and consider a request by the Wharton County Long Term Recovery Team for a variance to place a travel trailer at 115

Kaiser while home was being repaired and to replace the current FEMA Unit. City Manager Andres Garza, Jr. presented an emailed request from the Wharton Long Term Recovery Team. Community Development Director Gwyn Teves stated the Wharton Long Term Recovery Team was requesting a variance for a travel trailer to be placed at 115 Kaiser for the resident to stay in while the home was being repaired and to replace the current FEMA Unit. After some discussion, Councilmember Al Bryant moved to approve the request by the Wharton County Long Term Recovery Team for a variance to place a travel trailer at 115 Kaiser while home was being repaired and to replace the current FEMA Unit for a time limit of 6 months. Councilmember Terry Freese seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider a request from Ms. Kaytee Cenko of the Wharton Downtown Business Association to host a Downtown Block Party. City Manager Andres Garza, Jr. presented a copy of an email from Ms. Kaytee Cenko of the Wharton Downtown Business Association requesting to host a Downtown Block Party on Saturday, April 13, 2019 from 9:00 a.m. to 2:00 p.m. City Manager Garza stated Ms. Cenko was also requesting the closure of Polk Street for Burleson Street to Caney Street and requesting that people be permitted to be outside with alcohol. After some discussion, Councilmember Terry Freese moved to approve the request from Ms. Kaytee Cenko of the Wharton Downtown Business Association to host a Downtown Block Party on Saturday, April 13, 2019 from 9:00 a.m. to 2:00 p.m. with the closure of Polk Street for Burleson Street to Caney Street and permitting to be outside with alcohol. Councilmember Al Bryant seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to the Texas Ambulance Supplement Provider Program and authorizing the City Manager of the City of Wharton to execute all documents related to said submission. City Manager Andres Garza, Jr. presented a memorandum to him from EMS Director John Kowalik regarding the submission of an application to the Texas Ambulance Supplement Provider Program for the possibility of reimbursement for Medicaid patients. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-31**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE TEXAS AMBULANCE SUPPLEMENT PROVIDER PROGRAM AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.

WHEREAS, The City of Wharton wishes to submit an application to the Texas Ambulance Supplement Provider Program for reimbursement for Medicaid patients; and,

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

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

Section I. That the Wharton City Council hereby approves the submission of an application to the Texas Ambulance Supplement Provider Program for reimbursement for Medicaid patients.

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

Passed, Approved, and Adopted this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a vehicle for the Fire Department from Caldwell Country through Buyboard Cooperative Purchasing Program. City Manager Andres Garza, Jr. presented a copy of a draft resolution authorizing the Fire Department to purchase a vehicle from Caldwell Country through Buyboard Cooperative Purchasing Program. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-32**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE
PURCHASE OF A VEHICLE FOR THE FIRE DEPARTMENT FROM CALDWELL
COUNTRY THROUGH BUYBOARD COOPERATIVE PURCHASING PROGRAM.**

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WHEREAS, The Fire Department wishes the City Council to approve the purchase of a vehicle from Caldwell Country through Buyboard Cooperative Purchasing Program; and,

WHEREAS, The City of Wharton is a member of and participates in the Buyboard Cooperative Purchasing Program; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to purchase a vehicle for the Fire Department from Caldwell Country through Buyboard Cooperative Purchasing Program; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the purchase of a vehicle from Caldwell Country through Buyboard Cooperative Purchasing Program.

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

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

PASSED AND APPROVED this 25th day of March 2019.

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 a resolution of the Wharton City Council authorizing the submission of a grant application for the Texas Department Of Transportation 2019 Transportation Alternatives (TA) And Safe Routes To School (SRTS) Call for Projects, certifying funding and support for The City Of Wharton Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents relating to said

application. Community Development Director Gwyn Teves stated that on February 8, 2019, the Texas Department of Transportation (TxDOT) announced a statewide Call for Projects for two non-motorized infrastructure funding sources: The Transportation Alternatives Set-Aside (TA) program (including available and anticipated future funds) and available Safe Routes to School (SRTS) infrastructure funding. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-33**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION 2019 TRANSPORTATION ALTERNATIVES (TA) AND SAFE ROUTES TO SCHOOL (SRTS) CALL FOR PROJECTS, CERTIFYING FUNDING AND SUPPORT FOR THE CITY OF WHARTON SIDEWALK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATION.

WHEREAS, The Texas Department of Transportation administers the federally funded Transportation Alternatives (TA) and Safe Routes to School (SRTS) Program which provides opportunities for non-traditional transportation related activities; and,

WHEREAS, Projects submitted under this program should go above and beyond standard transportation activities and be integrated into the surrounding environment in a sensitive and creative manner that contributes to the livelihood of the communities, promotes the quality of the environment, provides safe routes to school, and enhances the aesthetics of roadways; and,

WHEREAS, The Texas Department of Transportation has announced the 2019 Program Call for candidate enhancement projects for the Transportation Alternatives (TA) and Safe Routes to School (SRTS); and,

WHEREAS, The Wharton City Council wishes to submit an application to the Texas Department of Transportation for sidewalk additions that would include the creation of safe routes to school and ADA compliant pedestrian accessibility in Wharton in accordance with the State of Texas regulations; and,

WHEREAS, The Wharton City Council wishes to agree to provide the required local match, including being responsible for all non-federally fundable items and 100% of cost over runs; and,

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

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

Section I. The above listed project, if selected for the Transportation Alternatives (TA) and Safe Routes to School (SRTS) Program funding by the Texas Department of Transportation, will be placed in the appropriate Transportation Improvement Program for the City of Wharton.

Section II. The City of Wharton, Texas, fully supports and authorizes the submission of an application for funding through the Texas Department of Transportation's Transportation Alternatives (TA) and Safe Routes to School (SRTS) Call for Projects with the specific goal of sidewalk construction that would include the creation of safe routes to school and ADA compliant pedestrian accessibility for ADA compliance in Wharton in accordance with the State of Texas regulations.

Section III. The City of Wharton feels strongly that the proposed project demonstrates the City of Wharton's desire to provide safe, ADA compliant pedestrian routes in Wharton.

Section IV. The City of Wharton supports funding this project as described in the 2019 Transportation Alternatives (TA) and Safe Routes to School (SRTS) Call for Projects and is willing to commit to the project's development, implementation, construction, maintenance, management and financing. The City of Wharton is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.

Section V. The Mayor of the City of Wharton is hereby authorized to execute all documents related to said application.

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

Passed, Approved and Adopted this the 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
MAYOR

ATTEST:

PAULA FAVORS
CITY SECRETARY

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a 380 Development Agreement with Tractor Supply Company and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager Andres Garza, Jr. presented a draft copy of the 380 Development Agreement between the City of Wharton and Tractor Supply Company. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-34, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2019-34

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A 380 DEVELOPMENT AGREEMENT WITH TRACTOR SUPPLY COMPANY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City has established a program in accordance with Article 3, Section 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code (“Chapter 380”) under which the City has the authority to make grants of public funds for the public purposes of promoting local economic development and stimulating business and commercial activity within the City, and; and,

WHEREAS, The Wharton City Council wishes to enter into a 380 Development Agreement with Tractor Supply Company; and,

WHEREAS, The Wharton City Council and Tractor Supply Company wishes to be bound by the terms and conditions as outlined in the agreement; 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 ORDAINED BY THE WHARTON CITY COUNCIL THAT:

Section I. That the Wharton City Council hereby approves the 380 Development Agreement between the City of Wharton and Tractor Supply Company and authorizes the Mayor of the City of Wharton to execute all documents related to said agreement.

Section II. That the City of Wharton and Tractor Supply Company are hereby bound by the terms and conditions as set forth in the agreement.

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

Passed, Approved, and Adopted this 25th day of March 2019.

CITY OF WHARTON

Tim Barker

Mayor

Attest:

Paula Favors

City Secretary

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

The fourteenth item on the agenda was to review and consider an ordinance declaring a public necessity for the acquisition of fee simple title to surface only of below listed property located in Wharton, Texas, for a public purpose, namely the acquisition, construction and maintenance of the Lower Colorado River Basin Phase I, Texas, Wharton Flood Risk Management Project; ratifying and affirming all prior acts and proceedings done or initiated by attorneys and employees of the city to acquire such property; authorizing all other lawful action necessary or incidental to such acquisitions. City Manager Andres Garza, Jr. presented a copy of the draft ordinance declaring it a public necessity to acquire certain privately-owned real estate for the purpose of acquisition, construction and maintenance of the Lower Colorado River Basin Phase I, Texas, Wharton Flood Risk Management Project. Community Development Director Gwyneth Teves stated City Attorney Paul Webb had reviewed the draft ordinance and was requesting the City Council consider approving it. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Ordinance No. 2019-12, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2019-12**

AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO SURFACE TITLE ONLY OF BELOW LISTED PROPERTY LOCATED IN WHARTON, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, CONSTRUCTION AND MAINTENANCE OF THE LOWER COLORADO RIVER BASIN PHASE I, TEXAS, WHARTON FLOOD RISK MANAGEMENT PROJECT; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY;

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AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS.

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

WHEREAS, the City may be unable to acquire or purchase fee simple interest in said parcel(s) by negotiation and the City would then be compelled to exercise its power of eminent domain; now

BE IT ORDAINED BY THE WHARTON CITY COUNCIL that:

SECTION I. AUTHORIZATION. The City Attorney, Paul Webb, and the Special Legal Counsel of the City, Davidson, Troilo, Ream & Garza P. C., is hereby authorized and funded to prepare appropriate legal documents and enter appropriate negotiations for the acquisition of the properties described in Exhibit "A". Failing such final attempt at negotiation, Special Legal Counsel is hereby authorized to initiate eminent domain condemnation proceedings in a court of competent jurisdiction in Wharton County, Texas on behalf of the City to obtain fee simple ownership of said parcel(s). Additionally, Special Legal Counsel is authorized to retain the professional services of an appraiser, to value the subject tract(s).

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

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

SECTION IV. SEVERABILITY. If any provision of this Ordinance or the application hereof to any circumstance shall ever be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the governing body hereby declares that this Ordinance would have been enacted without such invalid provision; and that in lieu of each clause or provision of this Ordinance that is deemed invalid, illegal, or unenforceable, there then will be added by the Mayor as

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necessary, with the approval of the City Manager and City Attorney as to form and legality, and as a part of the Ordinance, a substitute or additional clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be legally possible, valid and enforceable.

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

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

PASSED AND ADOPTED this the 25th day of March 2019.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a consultant selection committee and developing evaluation criteria for the selection of a debris removal and disposal firm to be used in the event of a major disaster. City Manager Andres Garza, Jr. stated the City staff would advertise for a debris removal and disposal firm to be used in the event of a major disaster. Community Development Director Gwyn Teves stated this would require a consultant selection

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committee to evaluate and recommend a firm to the Wharton City Council. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2019-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-35**

A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF A DEBRIS REMOVAL AND DISPOSAL FIRM TO BE USED IN THE EVENT OF A MAJOR DISASTER.

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the selection of a debris removal and disposal firm to be used in the event of a major disaster and provide recommendations to the entire City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager and Finance Director; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

WHEREAS, The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

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 establishes the City Council Consultant Selection Committee.

Section II. That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager and Finance Director.

Section III. That the criteria as set forth in Attachment A is hereby approved.

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

Passed, Approved, and Adopted this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST: _____
PAULA FAVORS
City Secretary

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

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council establishing a consultant selection committee and developing evaluation criteria for the selection of a debris monitoring firm to be used in the event of a major disaster. City Manager Andres Garza, Jr. stated the City staff would advertise for a debris monitoring firm to be used in the event of a major disaster. Community Development Director Gwyn Teves stated it would require a consultant selection committee to evaluate and recommend a firm to the Wharton City Council. After some discussion, Councilmember Terry Freese moved to approve City of Wharton Resolution No. 2019-36, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-36**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A
CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION
CRITERIA FOR THE SELECTION OF A DEBRIS MONITORING FIRM TO BE
USED IN THE EVENT OF A MAJOR DISASTER.**

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee for the selection of a debris monitoring firm to be used in the event of a major disaster and provide recommendations to the entire City Council; and,

WHEREAS, The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the City Manager and Finance Director; and,

WHEREAS, The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

WHEREAS, The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 establishes the City Council Consultant Selection Committee.
- Section II.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the City Manager and Finance Director.
- Section III.** That the criteria as set forth in Attachment A is hereby approved.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST: __

PAULA FAVORS
City Secretary

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

The seventeenth item on the agenda was to review and consider City of Wharton Housing Program:

- A. **Resolution:** A resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2018-109.
- B. **Resolution:** A resolution of the Wharton City Council declaring certain City of Wharton properties as surplus properties and to designate these properties for affordable housing programs for City of Wharton residents.
- C. **Resolution:** A resolution of the Wharton City Council approving the transfer of the City of Wharton real properties to the Wharton County Recovery Team and authorizing the Mayor of the City of Wharton to execute all documents related to the property transfer.

City Manager Andres Garza, Jr. stated that the City of Wharton on December 10th, 2018 agreed to deed properties designated as surplus properties to the Wharton Housing Finance Corporation for affordable housing programs. Community Development Director Gwyn Teves stated the City staff was recommending rescinding the resolution to deed these properties to the Wharton Housing Finance Corporation so that the properties could be

directly deeded to the Wharton County Recovery Team for their affordable housing program. After some discussion, Councilmember Al Bryant moved to approve the City of Wharton Resolutions No. 2019-37, 2019-38 and 2019-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2019-37**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE
CITY OF WHARTON RESOLUTION NO. 2018-109.**

WHEREAS, The Wharton City Council wishes to rescind the City of Wharton Resolution No. 2018-109 approving the transfer of the City of Wharton real properties to the City of Wharton Housing Finance Corporation and authorizing the Mayor of the City of Wharton to execute all documents related to the property transfer; and

<p>0.50 Acre, more or less, located in the A. Jackson Timber Survey, Abstract 34, Wharton County, Texas (Volume 191, Page 88, Deed Records of Wharton County, Texas SAVE & EXCEPT that 0.1150 Acre, more or less, described by in deed dated April 2, 1951 from Dave Sanford and wife Lillie Sanford to Joe Nathan Petitt (Volume 238, Page 598, Deed Records of Wharton County, Texas) BRANCH, Account #R018255 (Bid in Trust 10/6/2015)</p>
<p>Lot 25, Elizabeth Branch Subdivision, a subdivision in Wharton County, Texas (Volume 169, Page 1, Deed Records of Wharton County, Texas) GOODE, Account #R011844 (Bid in Trust 7/5/2011)</p>
<p>0.0716 Acre, more or less, situated in the Alexander Jackson Timber Survey, Abstract 34, Wharton County, Texas as described in deed dated August 25, 1969, from Aslee Washington to Ethel J. Washington (Volume 415, Page 166, Deed Records of Wharton County, Texas) BRANCH, Account #R018253 (Bid in Trust 5/3/2011)</p>
<p>175.50 feet by 50.00, containing 0.2015 acres, more or less, located in the A. Jackson League, Wharton County, Texas, being called Lot 34B, Block 60A, City of Wharton, Wharton County, Texas, described as Tract 1, in deed dated April 15, 1993, from O. B. Wells to Velma Johnson (Volume 54, Page 638, Official Records of Wharton County, Texas) BRANCH, Account #10705-060-342-00/R018282 (Bid in Trust 11/3/2009)</p>
<p>Lot 15 of Elizabeth Branch Subdivision out of the A. Jackson League in Wharton County, Texas, being the same property described in deed from Little Green to Lillie Mae Green, dated May 6, 1968 (Volume 390, Page 592 of the Deed Records of Wharton County, Texas) 1511 GOODE, Account #R011833(Bid in Trust 10/2/2011)</p>

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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 I. The Wharton City Council hereby rescinds the City of Wharton Resolution No. 2018-109 approving the transfer of the City of Wharton real properties to the City of Wharton Housing Finance Corporation and authorizing the Mayor of the City of Wharton to execute all documents related to the property transfer.

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

Passed, Approved and Adopted this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL DECLARING CERTAIN CITY OF WHARTON PROPERTIES AS SURPLUS PROPERTIES AND TO DESIGNATE THESE PROPERTIES FOR AFFORDABLE HOUSING PROGRAMS FOR CITY OF WHARTON RESIDENTS.

WHEREAS, The Wharton City Council received certain City of Wharton properties from taxing entities and the City Council determined that there was a need to declare certain City of Wharton properties for affordable housing; and

WHEREAS, The City Council determined that certain properties could be utilized by the City of Wharton in a new construction housing development program; and

WHEREAS, The properties identified to be included in the new construction housing development program are as follows:

Lot 1, Block 6, Harrison Addition, an addition to the Town of Wharton, Wharton County,
Texas
(Volume 13, Page 178, Deed Records, Wharton County, Texas)
HARRIS, Account #10560-006-010-00/R016065 (Bid in Trust 2/2/2010)

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 designates the afore-mentioned properties for affordable housing program.

Section II. That the Wharton City Council hereby authorizes that these properties be dedicated for the construction of affordable homes.

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

Passed, Approved, and Adopted this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2019-39**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TRANSFER OF THE CITY OF WHARTON REAL PROPERTIES TO THE WHARTON COUNTY RECOVERY TEAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE PROPERTY TRANSFER.

WHEREAS, The City of Wharton (“City”) desires to support the availability of affordable housing opportunities for residents and promote economic development within the community as public purposes; and,

WHEREAS, The Wharton City Council wishes to transfer the following properties

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located in the City of Wharton, Wharton County, Texas, to the Wharton County Recovery Team for the construction of new affordable housing; and,

<p>0.50 Acre, more or less, located in the A. Jackson Timber Survey, Abstract 34, Wharton County, Texas (Volume 191, Page 88, Deed Records of Wharton County, Texas SAVE & EXCEPT that 0.1150 Acre, more or less, described by in deed dated April 2, 1951 from Dave Sanford and wife Lillie Sanford to Joe Nathan Pettitt (Volume 238, Page 598, Deed Records of Wharton County, Texas) BRANCH, Account #R018255 (Bid in Trust 10/6/2015)</p>
<p>175.50 feet by 50.00, containing 0.2015 acres, more or less, located in the A. Jackson League, Wharton County, Texas, being called Lot 34B, Block 60A, City of Wharton, Wharton County, Texas, described as Tract 1, in deed dated April 15, 1993, from O. B. Wells to Velma Johnson (Volume 54, Page 638, Official Records of Wharton County, Texas) BRANCH, Account #10705-060-342-00/R018282 (Bid in Trust 11/3/2009)</p>
<p>Lot 1, Block 6, Harrison Addition, an addition to the Town of Wharton, Wharton County, Texas (Volume 13, Page 178, Deed Records, Wharton County, Texas) HARRIS, Account #10560-006-010-00/R016065 (Bid in Trust 2/2/2010)</p>
<p>All that certain tract or parcel situated in the City of Wharton, William Kincheloe Survey, Wharton County, Texas; being designated as Lot 129A, Block 63, City of Wharton, according to the map or plat thereof recorded in Volume 163, Page 3, Map Records of Wharton County, Texas; said Tract as described by metes and bounds in deed dated March 28, 1911, from Wharton Bank and Trust to R.E. Vineyard (Volume 30, Page 17, Deed Records of Wharton County, Texas) 1017 W CANEY, Account #R018497 (Bid in Trust 6/7/2001)</p>

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

NOW, THEREFORE, BE IT RESOLVED by the Wharton City Council that:

Section I. The Wharton City Council hereby approves the transfer of the aforementioned properties in the City of Wharton, Wharton County, Texas, to the Wharton County Recovery Team for the construction of new affordable housing; and

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

Section III. This resolution shall become effective immediately after its passage.

PASSED, APPROVED AND ADOPTED by the City of Wharton at a regular meeting held on the 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker
Mayor

ATTEST

PAULA FAVORS
City Secretary

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

The eighteenth item on the agenda was Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.071 and 551.087 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision or vote, if any with regard to any Matter considered in Executive Session shall be made in Open Meeting.

A. **Discussion:** Industrial District No. 1 Contract.

Mayor Barker moved the meeting into closed session at 7:40 p.m.

The nineteenth item on the agenda was to return to open meeting: Action on items in Executive Session:

Mayor Tim Barker returned to open session at 7:59 p.m.

A. **Review & Consider:** Industrial District No. 1 Contract.

After some discussion, no action was taken.

The twentieth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and authorizing the execution of the Electric Energy Sales Agreement with Reliant Energy Retail Services, LLC by the City Manager on behalf of the City of Wharton. Finance Director Joan Andel stated the current City of Wharton's Electric Energy Sales Agreement will expire on 12/31/19 and Mr. Paul Smolen and Ms. Marilyn Fox from Fox/Smolen Associates, the City's electricity consultants, obtained bids on behalf of the City and have secured an unbundled electricity rate of \$0.03738 per kWh for each City Location with Reliant Energy Retail Services, LLC. for the period 01/01/2020 thru 12/31/2029. Mrs. Andel said the rate would result in an approximate \$11,600 per year savings or 3.11% savings. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2019-40, which read as follows:

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A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND AUTHORIZING THE EXECUTION OF THE ELECTRIC ENERGY SALES AGREEMENT WITH RELIANT ENERGY RETAIL SERVICES, LLC BY THE CITY MANAGER ON BEHALF OF THE CITY OF WHARTON.

WHEREAS, The City of Wharton, as a member of the Governmental Aggregation Project (GAP), requested bids for electric services; and,

WHEREAS, Time was of the essence in securing a contract with an electric provider upon the receiving the bid submittals; and,

WHEREAS, On March 14, 2019, the City of Wharton received the recommended contract provided by Reliant Energy Retail Services, LLC to provide electric service to the City of Wharton; and,

WHEREAS, The Wharton City Council wishes to ratify and authorize the City Manager to execute the recommended contract for electric service to be provided to the City of Wharton; and,

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

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

Section I. That the Wharton City Council hereby ratifies and approves the execution of the Electric Energy Sales Agreement by City Manager on behalf of the City of Wharton.

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

PASSED, APPROVED AND ADOPTED this 25th day of March 2019.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember Al Bryant seconded the motion. All voted in favor.

The twenty-first item on the agenda was to review and consider an update of City of Wharton Grant Programs. Community Development Coordinator Gwyn Teves presented an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The twenty-second item on the agenda was the update of City of Wharton on-going Projects. City Manager Andres Garza, Jr. presented copy of his memorandum dated March 19, 2019 providing an update on the City of Wharton current projects as of February 28, 2019.

FLOOD REDUCTION (LEVEE) PROJECT

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has begun the process to acquire the property necessary to construct the project. The City Staff will begin meeting with the property owners.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The challenge on this project is to find locations to place approximately 35,000 cubic yards of soil. The ideal disposal site should be close to the project site to reduce the cost of construction.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. Public Works Director is currently working out the details.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential draining ditches that have experienced poor drainage.

4. Pecan Acres (Mahann, Kinkaid, Delmas) Drainage Project.

The Public Works Department is working with JTM, the contractor, installation of the drainage pipes was completed. The junction boxes have been installed by the contractor, the project has been completed by the contractor. The City Public Works Department will be regrading ditches to improve the drainage in the area.

WATER/SEWER IMPROVEMENTS:

1. **On-going Water and Sewer Maintenance Program.**

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

STREET IMPROVEMENTS

1. **FM 1301 Extension and Overpass Project Progress Report.**

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. The City Staff continues to coordinate with TxDOT to ensure the project continues to move forward. The City is awaiting TxDOT announcement of the project to be funded in Wharton County.

2. **I-69 Project.**

The City submitted the comments as approved by the City Council to TxDOT.

3. **NanYa Exit Ramp Project.**

TxDOT has been coordinating with NanYa on the exit design.

4. **2019 City Street Improvement Project.**

The City has begun the planning process for the 2019 Street Improvement Project. The City Staff is working with the City Council Public Works Committee to develop the program and present it to the City Council for consideration by early spring.

After some discussion, no action was taken.

The twenty-third item on the agenda was to review and consider appointments and Resignations to the City of Wharton Boards, Commissions, and Committees:

- A. Beautification Commission.
- B. Building Standards Commission.
- C. Plumbing and Mechanical Board.

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held March 7, 2019.
- B. Finance Committee meeting held March 11, 2019.
- C. Beautification Commission meeting held March 14, 2019.

After some discussion, no action was taken.

The twenty-fifth item on the agenda was City Manager's Reports:

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

After some discussion, no action was taken.

The twenty-sixth item on the agenda was to review and consider Wharton Economic Development Corporation:

- A. Wharton Economic Development Corporation Resolution No. 2019-01.

City Manager Andres Garza, Jr. presented the Wharton Economic Development Corporation Resolution No. 2019-01 which read as follows:

**WHARTON ECONOMIC DEVELOPMENT CORPORATION
RESOLUTION NO. 2019-01
A RESOLUTION AUTHORIZING WEDC TO ENTER INTO AN
AGREEMENT WITH ZARSKY ACQUISITION CO., LLC dba ZARSKY LUMBER
CO FOR PROPERTY IMPROVEMENTS**

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

WHEREAS the Corporation will authorize the payment of \$20,000 to Zarsky Acquisition Col, LLC dba Zarsky Lumber Co (“ZARSKY”) for property improvements, “(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 ZARSKY prior to any funding from Corporation to ZARSKY, and

WHEREAS the Corporation deems ZARSKY as necessary to future and current job creation.

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

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The Corporation will make funds of \$20,000 available to ZARSKY to reimburse the costs of the PROJECT.

This resolution was adopted at a regular meeting of the Board of Directors of Corporation on March 18, 2019.

**WHARTON ECONOMIC DEVELOPMENT CORPORATION, WHARTON,
TEXAS**

By: _____
Marshall Francis
President

ATTEST;

Michael Wootton
Secretary

After some discussion, no action was taken.

The twenty-seventh item on the agenda was adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Al Bryant seconded the motion. All voted in favor.

The meeting adjourned at 8:08 p.m.

CITY OF WHARTON, TEXAS

By: Tim Barker
Tim Barker
Mayor

ATTEST:

Paula Favors
Paula Favors
City Secretary

