

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
DECEMBER 10, 2018**

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. City Manager Andres Garza, Jr. led the opening devotion and Mayor Tim 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 Russell Machann.

Councilmember absent was: Steve Schneider.

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

Visitors present were: Steve Roberts, Pattie Odom, Director of Administration for the Wharton County Recovery Team, Wharton Chamber of Commerce Executive Director Ron Sanders, Sandy Sanders, Albert Villegas with the Wharton Journal Spectator and Chad Odom, III, Executive Director of the Wharton Economic Development Corporation (WEDCo).

The second item on the agenda was Roll Call and Excuses Absences. After some discussion, Councilmember Al Bryant moved to excuse Councilmember Steve Schneider. Councilmember Terry Freese 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. City Manager Andres Garza, Jr. stated the United States of America lost the perfect example of a dedicated public servant with the passing of President George H. Bush. City Manager Garza congratulated Mrs. Sandy Sanders on her retirement after serving 47 years with Wharton County as the County Clerk. City Manager Garza also congratulated City Secretary Paula Favors on being names the Salt Grass Chapter of the Texas Municipal Clerks Association "Clerk of the Year" for 2018. Councilmember Terry Freese thanked Assistant to the City Manager Brandi Jimenez for her hard work on the holiday decorations at City Hall.

The fifth item on the agenda was to review and consider reading of the minutes from regular meetings held November 13, 2018 and November 26, 2018. City Manager Andres Garza, Jr.

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presented a draft copy of the minutes from the regular meetings on November 13, 2018 and November 26, 2018. After some discussion, Councilmember Russell Machann moved to approve the reading of the minutes from the regular meetings held November 13, 2018 and November 26, 2018. Councilmember Don Mueller seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by City of Wharton for variances for Wharton A. Jackson, Block 60A, Lot 29A. City Manager Andres Garza, Jr. stated the City of Wharton was requesting variances on the properties for residential housing to be built by the Mennonite Disaster Service in conjunction with the Wharton Housing Finance Corporation. Community Development Director Gwyn Teves stated the variances were to go before the Planning Commission on Monday, December 10, 2018 but due to a lack of quorum the City Staff was recommending the City Council consider approving the variances. After some discussion, Councilmember Al Bryant moved to approve the variances for Wharton A. Jackson, Block 60A, Lot 29A. Councilmember Terry Freese seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request by City of Wharton to Re-Plat Wharton A. Jackson, Block 60A, Lot 29A to subdivide for two residential lots. City Manager Andres Garza, Jr. stated the City of Wharton would be re-platting the lot into two lots to subdivide for residential housing to be built by the Mennonite Disaster Service in conjunction with the Wharton Housing Finance Corporation. Community Development Director Gwyn Teves stated the replat was to go before Planning Commission on Monday, December 10, 2018 but due to a lack of quorum the City Staff was recommending the City Council consider approving Re-Plat. After some discussion, Councilmember Russell Machann moved to approve the Re-Plat of Wharton A. Jackson, Block 60A, Lot 29A to subdivide for two residential lots. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director, Wharton Chamber of Commerce, for the following for the Snow Day on the Square:

1. Close to traffic the 100-block of North Fulton Street from 3 pm to 9:30 pm on the day of the event.
2. Provide trash cans on the east side of the square during the above hours.

City Manager Andres Garza, Jr. presented a copy of the letter dated November 19, 2018 from Mr. Sanders to him regarding the Snow Day on the Square on December 21, 2018. After some discussion, Councilmember Al Bryant moved to approve the afore mentioned requests from Mr. Ron Sanders, Executive Director, Wharton Chamber of Commerce, for the Snow Day on the Square on December 21, 2018. Councilmember Russell Machann seconded the motion. All voted in favor.

The ninth item discussed on the agenda was to review and consider a request from the Wharton County Recovery Team for assistance from the City of Wharton for site preparations for new builds on the Westside of town as part of the Wharton West End Initiative Program. City

Manager Andres Garza, Jr. presented a copy of the request from Ms. Pattie Odom, Director of Administration for the Wharton County Recovery Team, for assistance from the City of Wharton for site preparations for new home builds on the Westside of town as part of the Wharton West End Initiative Program. After some discussion, Councilmember Al Bryant moved to approve the request from the Wharton County Recovery Team for assistance from the City of Wharton for site preparations for new home builds on the Westside of town as part of the Wharton West End Initiative Program. Councilmember Terry Freese seconded the motion. All voted in favor.

The tenth item discussed on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of an application to Keep America Beautiful for the Community Restoration and Resiliency Fund Grant Program and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager Andres Garza, Jr. stated the City of Wharton Beautification Committee met and voted to submit a project to the Keep America Beautiful Community Restoration and Resiliency Fund. City Manager Garza said the Keep America Beautiful Community Restoration and Resiliency Fund benefited Keep America Beautiful Affiliates that serve communities directly affected by natural and environmental disasters and the fund provided immediate and long-term support for initial and ongoing cleanup efforts and helps rebuild vital public spaces: parks, greenways, community gateways, Main Street/downtown areas, open spaces and more. Code Enforcement Officer Jimmy Nickolyn stated the Beautification Committee was requesting the Council approve submission of the grant application to place a butterfly garden at each of the Croom Parks. Mr. Steven Roberts, President of the Beautification Commission stated all City Parks were surveyed and it was determined that both Croom #1 and Croom #2 were the busiest parks so the Committee choose those parks to request the butterfly gardens be placed. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-102, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-102**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF AN APPLICATION TO KEEP AMERICA BEAUTIFUL FOR THE COMMUNITY RESTORATION AND RESILIENCY FUND GRANT PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.**

**WHEREAS,** The City of Wharton City Council wishes to submit an application to Keep America Beautiful the Community Restoration and Resiliency Fund Grant Program; and,

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

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

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**SECTION I.** The Wharton City Council hereby approves the submittal of the application to Keep America Beautiful the Community Restoration and Resiliency Fund Grant Program.

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

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

**PASSED, APPROVED, and ADOPTED** this 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

Councilmember Al Bryant seconded the motion. Councilmembers Don Mueller and Terry Freese voted for the motion. Councilmember Steven Schneider was absent. Councilmember Alice Heard-Roberts voted against the motion. The motion carried.

The eleventh item discussed 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 an acquisition and relocation firm for the Wharton Levee Project and establish the criteria of selection. City Manager Andres Garza, Jr. stated the City of Wharton was responsible for the acquisition of properties for the United States Army Corp of Engineers Wharton Levee Project as noted in the Project Participation Agreement therefore the City of Wharton would need to establish a Consultant Selection Committee for the selection of the acquisition and relocation firm. Community Development Director Gwyn Teves stated the City Staff was recommending the City Council consider establishing a Consultant Selection Committee and developing evaluation criteria for the selection of an acquisition and relocation firm for the Wharton Levee Project and establishing the criteria of selection. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2018-103, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-103**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING A  
CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION  
CRITERIA FOR THE SELECTION OF AN ACQUISITION AND RELOCATION**

**FIRM FOR THE WHARTON LEVEE PROJECT AND ESTABLISH THE CRITERIA OF SELECTION.**

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for acquisition and relocation services selection and criteria to provide acquisition and relocation services for the Wharton Levee Project defined in the USACE Project Participation Plan; 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.

**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 this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:** \_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The twelfth item discussed on the agenda was to review and consider Cloud Street Water Well Rework Project:

A. Bid Tabulation.

**B. Resolution:** A resolution of the Wharton City Council awarding a construction contract for the Cloud Street Water Well Rework Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract.

Interim Public Works Director Robert Ewart stated proposals were received on December 3, 2018 for the Cloud Street Water Well Rework Project and three contractors' submitted proposals for the project. They were as follows:

1. Weisinger- \$74,664.00
2. C&C Water Services LLC-\$97,627.00
3. Alsay Incorporated-\$102,070.00

City Manager Andres Garza, Jr. presented a copy of a letter to him from Ms. Stephanie Kaspar, P.E., Jones and Carter recommending the contract be awarded to Weisinger in the amount of \$74,664.00. After some discussion, Councilmember Don Mueller moved to approve City of Wharton Resolution No. 2018-104, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018 -104**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONSTRUCTION CONTRACT FOR THE CLOUD STREET WATER WELL REWORK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The City of Wharton received proposals for the Cloud Street Water Well Rework Project; and,

**WHEREAS,** Weisinger was deemed the lowest bidder in the amount of \$74,664.00; and,

**WHEREAS,** The Wharton City Council wishes to approve a contract with Weisinger for the Cloud Street Water Well Rework Project in the amount of \$74,664.00; and,

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

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

**Section I.** That the City Council hereby approves a contract with Weisinger for the Cloud Street Water Well Rework Project in the amount of \$74,664.00.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said purchase.

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

**PASSED, APPROVED, and ADOPTED** this 10th day of December 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The thirteenth item discussed on the agenda was to review and consider a resolution authorizing the submission of an application to the Texas Department of Agriculture for a 2019-2020 Texas Community Development Block Grant Program – Community Development Fund grant of up to \$350,000 to construct system improvements and designate the Mayor as the City’s authorized signatory. City Manager Andres Garza, Jr. stated the City of Wharton desired to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income. City Manager Garza said certain conditions existed which represented a threat to the public health and safety and the City Staff believed it was necessary and in the best interest for the City of Wharton to apply for funding under the Texas Community Development Block Grant Program. After some discussion, Councilmember Al Bryant moved to approve City of Wharton Resolution No. 2018-105, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-105**

**A RESOLUTION OF THE CITY COUNCIL OF WHARTON, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE 2019-2020 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND AUTHORIZING THE MAYOR TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

**WHEREAS,** The City Council of the City of Wharton, TX desires to develop a viable community, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and,

**WHEREAS,** Certain conditions exist which represent a threat to the public health and safety;  
and,

**WHEREAS,** It is necessary and in the best interests of the City of Wharton, TX to apply for  
funding under the Texas Community Development Block Grant Program.

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

**Section I.** That a Texas Community Development Block Grant Program application for the  
2019-2020 Community Development Block Grant Fund is hereby authorized to  
be filed on behalf of the City with the Texas Department of Agriculture.

**Section II.** That the City's application be placed in competition for funding under the 2019-  
2020 Community Development Block Grant Fund.

**Section III.** That the application be for \$350,000 of grant funds to provide city-wide sewer  
system improvements throughout Wharton.

**Section IV.** That the City Council directs and designates the Mayor as the City's Chief  
Executive Officer and Authorized Representative to act in all matters in connection  
with this application and the City's participation in the Texas Community  
Development Block Grant Program.

**Section V.** That all funds will be used in accordance with all applicable federal, state, local  
and programmatic requirements including but not limited to procurement,  
environmental review, labor standards, real property acquisition, and civil rights  
requirements.

**Section VI.** That it further be stated that Wharton, TX is committing \$52,500.00 from its Sewer  
Fund as a cash contribution toward the administration activities of this citywide  
sewer system improvements project.

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

**Passed, Approved, and Adopted** this 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:** \_\_\_\_\_  
**PAULA FAVORS**  
City Secretary



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

The fourteenth item discussed on the agenda was to review and consider the approval and adoption of the Citizens Participation Plan as set forth by the Texas Department of Agriculture (TDA) for the Community Development Block Grant Program (CDBG). City Manager Andres Garza, Jr. stated that in accordance with Federal Law, if there was a significant number of the population who are non-English speaking residents and were affected by the TxCDBG project, such citizens should have 'meaningful access' to all aspects of the TxCDBG project. City Manager Garza said that to provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that were routinely provided in English and examples of such vital documents included application, complaint procedures, answers to complaints, notices, notices of rights and disciplinary action, and any additional documents that contain information that was critical for obtaining federal services and/or benefits, or is required by law. Community Development Director Gwyn Teves presented a copy of the Citizens Participation Plan. After some discussion, Councilmember Russell Machann moved to approve and adopt the Citizens Participation Plan as set forth by the Texas Department of Agriculture (TDA) for the Community Development Block Grant Program (CDBG). Councilmember Al Bryant seconded the motion. All voted in favor.

The fifteenth item discussed on the agenda was to review and consider a resolution of the Wharton City Council approving a contract between the City of Wharton and Wharton County for Emergency Medical Services for ambulance transport and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. City Manager Andres Garza, Jr. presented a draft copy of the contract and draft resolution for emergency medical services for ambulance transport between the City of Wharton and Wharton County. City Attorney Paul Webb stated that he reviewed the contract and it was his recommendation that the City Council consider approving it. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2018-106, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-106**

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

**WHEREAS,** The City of Wharton wishes to enter into an agreement with Wharton County for emergency medical services for ambulance transports; and,

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

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

**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 an agreement with Wharton County for emergency medical services for ambulance transports.

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

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

**Passed, Approved, and Adopted** this 10th day of December 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The sixteenth item discussed on the agenda was to review and consider a request for extension on approval of variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims. City Manager Andres Garza, Jr. presented a memorandum to him from Community Development Director Gwyneth Teves requesting an additional extension on the approval of the variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims granted September 11, 2018. Mrs. Teves stated the City Council Housing Committee met on November 27, 2018 and was briefed on FEMA Temporary Housing Units in the City of Wharton. She said on November 27, 2018 FEMA announced the extension of the Temporary Housing Program through August 25, 2019 and the City Staff was requesting that the variance for the temporary housing and travel trailers be extended be considered. After some discussion, Councilmember Al Bryant moved to approve the extension on approval of variance for temporary placement of travel trailers for Hurricane Harvey Flood Disaster Victims until August 25, 2019. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

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

- A. **Resolution:** A resolution of the Wharton City Council accepting resale properties held in trust by the taxing entities.
- B. **Resolution:** A resolution of the Wharton City Council declaring certain City of Wharton properties as surplus properties and to designate these properties as 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 City of Wharton Housing Finance Corporation and authorizing the Mayor of the City of Wharton to execute all documents related to the property transfer.

Community Development Director Gwyn Teves presented copies of draft resolutions accepting resale properties held in trust by the taxing entities, designating the properties as affordable housing programs for the City of Wharton residents and approving the transfer of the City of Wharton real properties to the City of Wharton Housing Finance Corporation. Mrs. Teves stated the transfer of five properties to the Wharton Housing Finance Corporation would be donated to the Wharton West End Initiative for the Mennonite Disaster Service Housing Project. After some discussion, Councilmember Al Bryant moved to approve the following City of Wharton Resolutions No. 2018-107, 2018-108 and 2018-109, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2018-107**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING RESALE PROPERTIES HELD IN TRUST BY THE TAXING ENTITIES.**

**WHEREAS, (list the entities)** have relinquished their ownership in certain City of Wharton properties for taxes; and,

**WHEREAS,** The City Council determined that their properties could be utilized by the City of Wharton,

<b>Legal Description, Deed Reference, Approximate Address, Account # and Bid in Trust Date</b> (all properties located in Wharton County, Texas unless otherwise noted)
Lot 49 of Elizabeth Branch Subdivision, a subdivision in Wharton County, Texas (Volume 169, Page 1 of the Map Records of Wharton County, Texas) GOODE, Account #10105-000-049-00/R011873 (Bid in Trust 4/5/2005)
0.1722 Acre, more or less, being Lots 1A, 2A & 3A, Hawes 3 Addition to the City of Wharton, Wharton County, Texas (Volume 348, Page 381, Deed Records of Wharton County, Texas) 109 E EMILY AVE, Account #R016335 (Bid in Trust 10/4/2016)
Tract No. 4: Lot 6 in Block 12 of Washington Homes, a Subdivision in Wharton County, Texas (Volume 35, Page 87 of the Deed Records of Wharton County, Texas) 129 MOUTRAY AVE., Account #11390-012-006-00/R025650 (Bid in Trust 10/7/2008)
Lot 5, Block 52, A.O. Branch Addition to the City of Wharton, in Wharton County, Texas (Volume 89, Page 544 of the Deed Records of Wharton County, Texas) 1514 CONNIE, Account #10100-000-005-00/R011811 (Bid in Trust 5/6/2008)
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)

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<p>ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 1.00 ACRE, MORE OR LESS, OUT OF THE SOUTH ONE-HALF OF LOT 10 OF THE OUTLAR SUBDIVISION, A SUBDIVISION IN WHARTON COUNTY, TEXAS ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 81, PAGE 540 OF THE DEED RECORDS OF WHARTON COUNTY, TEXAS; BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE DEED FROM LILY B. OUTLAR TO MATT SHANKLIN, JR. DATED MARCH 9, 1929 AND RECORDED IN VOLUME 84, PAGE 391 OF THE DEED RECORDS OF WHARTON COUNTY, TEXAS; SAVE AND EXCEPT, HOWEVER, THE FOLLOWING PORTIONS THEREOF:</p> <p>(A) A TRACT OR PARCEL OF LAND CONTAINING 0.168 ACRE, MORE OR LESS, DESCRIBED BY METES AND BOUNDS IN THE DEED FROM PAULINE PHILLIPS ET AL TO ALICE PHILLIPS DATED FEBRUARY 12, 1977 AND RECORDED IN VOLUME 512, PAGE 246, DEED RECORDS OF WHARTON COUNTY, TEXAS;</p> <p>(B) A TRACT OR PARCEL OF LAND CONTAINING 0.28 ACRE, MORE OR LESS, DESCRIBED BY METES AND BOUNDS IN THE DEED FROM PAULINE PHILLIPS ET AL TO CATHERINE PINES DATED MARCH 12, 1977 AND RECORDED IN VOLUME 512, PAGE 555, DEED RECORDS OF WHARTON COUNTY, TEXAS;</p> <p>(C) A TRACT OR PARCEL OF LAND CONVEYED TO PAULINE PHILLIPS ACCORDING TO THE DEED RECORDED IN VOLUME 514, PAGE 405, DEED RECORDS OF WHARTON COUNTY, TEXAS; THE PAULINE PHILLIPS TRACT IS LOCATED BETWEEN THE 0.28 ACRE TRACT DESCRIBED BY METES AND BOUNDS IN THE DEED RECORDED IN VOLUME 512, PAGE 555, DEED RECORDS OF WHARTON COUNTY, TEXAS AND THE 0.28 ACRE TRACT DESCRIBED BY METES AND BOUNDS IN THE DEED RECORDED IN VOLUME 514, PAGE 405, DEED RECORDS OF WHARTON COUNTY, TEXAS; AND</p> <p>(D) A TRACT OR PARCEL OF LAND CONTAINING 0.28 ACRE, MORE OR LESS, DESCRIBED BY METES AND BOUNDS IN THE DEED FROM ALICE PHILLIPS ET AL TO EVELYN SHANKLIN DATED MARCH 12, 1977 AND RECORDED IN VOLUME 514, PAGE 405 OF THE DEED RECORDS OF WHARTON COUNTY, TEXAS; BEING THE SAME PROPERTY IDENTIFIED ON THE PLAINTIFF'S TAX ROLLS AS ACCOUNT NO. 10990-000-101-00, OUTLAR, Account #R021337 (Bid in Trust 4/3/2012)</p>
<p>Lots 17 and 18 in Block 1 of Mt Carmel Addition, City of Wharton, Wharton County, Texas (Volume 210, Page 1 of the Deed Records of Wharton County, Texas) MURPHY AVE, Account #R020840 (Bid in Trust 7/7/2015)</p>
<p>Tract 2: An undivided 60% interest in and to All that certain tract or parcel of land containing 1.00 Acre, more or less, located in the Alexander Jackson League, Abstract 34, in Wharton County, Texas; being more particularly described in metes and bounds in the deed from Catherine Cotton Perkins, a Widow to Isaac C. Smith dated July 6, 1965 (Volume 267, Page 244, Deed Records of Wharton County, Texas) MATTIE, Account #R018230 (Bid in Trust 4/3/2012)</p>
<p>Lots 15B and 16B, Block 9, Washington Home Addition to the City of Wharton, Wharton County, Texas (Volume 35, Page 87 and Volume 426, Page 251 of the Deed Records of Wharton County, Texas) 708 E ELM, Account #R025618 (Bid in Trust 7/7/2015)</p>
<p>All those certain tracts of land being 2 lots, each being 50 feet by 120 feet, located in the Alexander Jackson Timber Survey, Abstract 34, Wharton County, Texas, being described, as first and second tracts, in deed dated November 8, 1989, from Federal Deposit Insurance Corporation as Liquidator of the Security Bank and Trust Company to Alfred A. Nelson and Barbara J. Nelson (Volume 815, Page 3, Deed Records of Wharton County, Texas) 210 WILKES, Account #R015982 (Bid in Trust 6/7/2011)</p>
<p>Lot 11, Block 2, Harrison Addition, an addition to the City of Wharton, Wharton County, Texas (Volume 13, Page 178, Deed Records, Wharton County, Texas) HARRIS, Account #R016040 (Bid in Trust 8/2/2011)</p>
<p>0.236 Acres, more or less, located in the A. Jackson Timber Survey, Abstract 34, Wharton County, Texas, being described by metes and bounds in deed dated November 12, 1946 from David Sanford to Jewel Allen et al (Volume 189, Page 251, Deed Records of Wharton County, Texas) CONNIE, Account #10705-060-292-00/R018257 (Bid in Trust 2/2/2010)</p>
<p>44.10 feet by 55.70 feet by 37.60 feet by 29.10 feet, more or less, located in the A. Jackson Survey, Abstract 34, Wharton County, Texas, being described by metes and bounds in deed dated October 7, 1974 from the St. James Baptist Church to the Mallory Lodge 426, A.F. &amp; A.M. of Wharton, Texas (Volume 448, Page 490, Deed Records of Wharton County, Texas) MATTIE, Account #10705-060-111-00/R018212 (Bid in Trust 10/6/2009)</p>
<p>25 feet by 65 feet, containing 0.0373 Acres, more or less, being Part of Lots 7 and 8, Block 2, Harrison Addition, a subdivision in Wharton County, Texas, as described by metes and bounds in deed dated July 25, 1967, from Larry E. Wadler et al to Anthony Branch et al (Volume 384, Page 405, Deed Records of Wharton County, Texas) 214 OAK, Account #R016033 (Bid in Trust 8/2/2011)</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>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>

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<p>Lot 181, Block 63, City of Wharton a/k/a the south half of Lot 81, Block 63, City of Wharton as described and shown of Plat in Volume 163, Page 3 of the Deed Records and a/k/a 50' by 150' out of the Wm. Kincheloe Survey to the City of Wharton (Volume 643, Page 568 and Volume 693, Page 505 of the Deed Records of Wharton County, Texas) 320 S FORD, Account #R018572 (Bid in Trust 2/4/2014)</p>
<p>Tract 1: 50.00 feet by 102.80 feet, containing 0.118 acre, more or less, situated in the A. Jackson Survey, Abstract 34, Wharton County, Texas; being Lot 13, Block 51, Petiti, an unrecorded subdivision; said 0.118 acre as described in deed dated October 23, 1979, from Birdie Wilson to Eugene Wilson (Volume 525, Page 205, Deed Records of Wharton County, Texas) BAILEY, Account # 11047-000-013-00/R022109 (Bid in Trust 11/4/2008)</p>
<p>30.00 Feet by 50.00 Feet, containing 0.0344 Acre, more or less, being the Northerly 30.00 Feet of Lot 6, Block 2, Harrison Addition, an addition to the City of Wharton, Wharton County, Texas, as described in deed dated July 27, 1950, from William A. Kline to Willie Mae Jackson (Volume 228, Page 469, Deed Records of Wharton County, Texas) 210 OAK, Account #R016029 (Bid in Trust 8/7/2012)</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>Lot 216, Block 63, being Original Lot 60, Block 63, City of Wharton, Wharton County, Texas (Volume 534, Page 184, Deed Records of Wharton County, Texas) 114 S FORD, Account #R018601 (Bid in Trust 11/2/2010)</p>
<p>The South 70.00 feet of Lot 4, Block 2, Harrison Addition, an addition to the City of Wharton, Wharton County, Texas (Volume 159, Page 605, Official Public Records of Wharton County, Texas) W CANEY, Account #R016025 (Bid in Trust 5/3/2011)</p>
<p>Tract 2: Lot 15A, Block 61, City of Wharton, Wharton County, Texas (Volume 163, Page 3, Deed Records of Wharton County, Texas) KAISER, Account #R026717 (Bid in Trust 5/3/2011)</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>THE NORTH 56.75 FEET OF LOTS 1 AND 2, BLOCK 4, CLINE ADDITION, AN ADDITION TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 163, PAGE 3, DEED RECORDS OF WHARTON COUNTY, TEXAS, AND AS DESCRIBED BY METES AND BOUNDS IN SUBSTITUTE TRUSTEE'S DEED DATED SEPTEMBER 6, 1994, FROM EDWARD C. TURNER ET UX, BY SUBSTITUTE TRUSTEE, HOLLY H. HUGHES TO THE STATE STREET BANK AND TRUST COMPANY AS TRUSTEE OF THE CONSUMER OBLIGATION STRUCTURED TRUST 1993-1 (Volume 114, Page 793, Official Records of Wharton County, Texas) S SHEPPARD, Account #R012833 (Bid in Trust 3/1/2011)</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>Lot 22, Block 64, City of Wharton, Being Lot 136-C, City of Wharton, Wharton County, Texas (Volume 415, Page 472 of the Deed Records, Wharton County, Texas) W MILAM, Account #R018509 (Bid in Trust 5/1/2012)</p>
<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 &amp; 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 Pettit (Volume 238, Page 598, Deed Records of Wharton County, Texas) BRANCH, Account #R018255 (Bid in Trust 10/6/2015)</p>

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

**Section I.** That the Wharton City Council hereby accepts the properties.

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

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

**Passed, Approved, and Adopted** this 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2018-108**

**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:

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)
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)
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)
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)
Lot 15 of Elizabeth Branch Subdivision out of the A. Jackson League in Wharton County, Texas, being the same property described in deed from Littie 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)

**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 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2018-109**

**A RESOLUTION OF THE WHARTON CITY COUNCIL 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.**

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

**WHEREAS,** The Wharton City Council wishes to transfer the following properties located in the City of Wharton, Wharton County, Texas, to City of Wharton Housing Finance Corporation for the construction of new affordable housing; and,

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 Pettit (Volume 238, Page 598, Deed Records of Wharton County, Texas) BRANCH, Account #R018255 (Bid in Trust 10/6/2015)
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)

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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)
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)
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)

**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 City of Wharton Housing Finance Corporation 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 10<sup>th</sup> day of December 2018.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**TIM BARKER**  
Mayor

**ATTEST**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The eighteenth item discussed on the agenda was to review and consider Executive Session: City Council may adjourn into an Executive Session in accordance with Section 551.074 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:** Appointment of Municipal Court Judge.



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Mayor Barker moved the meeting into closed session at 7:39 p.m.

The nineteenth item discussed on the agenda was to review and consider action on items discussed in Executive Session:

A. **Review & Consider:** Appointment of Municipal Court Judge.

Mayor Tim Barker returned to open session at 7:55 p.m. After some discussion, no action was taken.

The twentieth item discussed on the agenda was to review and consider the cancellation of the December 24, 2018 Regular Wharton City Council Meeting. City Manager Andres Garza, Jr. stated that due to the Holiday Season, he was requesting the Mayor and City Council to consider canceling the December 24, 2018 Regular City Council Meeting. City Manager Garza said that if it became necessary, a special meeting would be scheduled. After some discussion, Councilmember Al Bryant moved to approve the cancellation of the December 24, 2018 Regular Wharton City Council Meeting. Councilmember Russell Machann seconded the motion. All voted in favor.

The twenty-first item discussed on the agenda was to review and consider 2017-2018 Street Improvement Project:

A. Change Order No. 3 with James Construction Group, LLC/Primoris.

City Manager Andres Garza, Jr. presented Change Order No. 3 with James Construction Group, LLC/Primoris for the 2017-2018 Street Improvement Project. Interim Public Works Director Robert Ewart stated the changes were as follows:

1. 24,000 square yards increase of \$0.14/SY for change in AC-15P oil to CRS-2P oil.-  
\$3,360.00
2. \$4,000 mobilization fee.

Mr. Ewart said the reasons for the changes were the increase in oil due to weather and job split. After some discussion, Councilmember Al Bryant moved to approve Change Order No. 3 with James Construction Group, LLC/Primoris. Councilmember Terry Freese seconded the motion. All voted in favor.

The twenty-second item discussed on the agenda was to review and consider Appointments & Resignations to the City of Wharton Boards, Commissions and Committees:

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

After some discussion, no action was taken.

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

- A. Wharton Economic Development Corporation meeting held November 19, 2018.
- B. Finance Committee meeting held November 26, 2018.
- C. Housing Committee meeting held November 26, 2018.

After some discussion, no action was taken.

The twenty-fourth 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 8:03 p.m.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**Tim Barker**  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**Paula Favors**  
**City Secretary**