

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
APRIL 24, 2023**

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

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

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager, Paula Favors; Finance Director, Joan Andel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Patrol Lieutenant, Lance Bothell, and Public Works Director, Anthony Arcidiacono.

Visitors present were: Linda King with the Wharton Chamber of Commerce, and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

1. City Attorney, Paul Webb, stated Mr. Don Elliott sold his car dealership to Mr. Kori. Mr. Webb congratulated Mr. Elliott for his years of running a successful auto dealership in Wharton for as long as he did. He wished the new owner continued success.
2. Councilmember, Russell Machann, stated the fashion show held at the Simply Divine Event Center looked to have been a success with Mayor, Tim Barker and City Manager, Joseph R. Pace in attendance.
3. Councilmember, Terry Freese, congratulated the Wharton Police Department on their success while utilizing the department's drone to assist the Wharton County Sheriff's Department with apprehending subjects who fled from the deputies.
4. Mayor, Tim Barker, gave condolences to the family of former City Councilmember, Ray Linseisen, and stated he had passed away.
5. Mayor, Tim Barker, wished Councilmember, Russell Machann, a happy birthday.
6. Councilmember, Don Mueller, stated he attended graduates of the 1940s through the 1969 high school reunion at the Wharton Civic Center.

Review and Consider:

The first item on the agenda was to review and consider City of Wharton Financial Report for March 2023. City of Wharton Finance Director, Joan Andel, presented the City of Wharton Financial Report for March 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for March 2023. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 14th Annual Wharton Citywide Garage Sale on Friday, June 2, 2023, and Saturday, June 3, 2023.

- A. The use of Guffey Park.
- B. Placement of two trash cans with trash bags at Guffey Park.
- C. Allow placement of necessary signage as long as it is not placed in the right-of-way within the City.

Ms. Linda King with the Wharton Chamber of Commerce presented a request for the above-mentioned for the Citywide Garage Sale on Friday, June 2, 2023, and Saturday, June 3, 2023. After some discussion, Councilmember, Terry Freese, moved to approve aforementioned items A. through C. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a resolution by the City of Wharton, Texas ("City") denying the Distribution Cost Recovery Factor Rate Request of CenterPoint Energy Houston Electric, LLC, and its increase in rates under its "Rider TEEEF" Application made on or about April 5, 2023; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. City Attorney, Paul Webb, presented the information sheet regarding the denial of an application for approval of a rate change submitted by CenterPoint Energy Houston Electric, LLC, and authorization to participate in proceedings at the Public Utility Commission of Texas. Mr. Webb stated the law firm of Herrera Law & Associates, PLLC had previously represented the Texas Coast Utilities Coalition of Cities ("TCUC") in rate matters involving CEHE, including its most recent comprehensive base rate. Similarly, the firm has represented other Texas cities dealing with rate-case matters, therefore providing a depth of experience in dealings with CEHE and the Public Utility Commission of Texas ("PUCT" or "Commission"). He said it was his recommendation that the City deny CEHE's application to increase its DCRF and Rider TEEEF rates and retain the law firm of Herrera Law & Associates, PLLC to represent the City's interest in matters related to CEHE's DCRF filing and CEHE's Mobile Generation/Rider TEEEF application and to advise the City with regard to CEHE's applications and that the City intervene in the proceedings before the Public Utility Commission of Texas, and represent the City in appeals, if any, regarding CEHE's applications. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-33, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-33**

RESOLUTION BY THE CITY OF WHARTON, TEXAS (“CITY”) DENYING THE DISTRIBUTION COST RECOVERY FACTOR RATE REQUEST OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, AND ITS INCREASE IN RATES UNDER ITS “RIDER TEEEF” APPLICATION MADE ON OR ABOUT APRIL 5, 2023; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on about April 5, 2023, CenterPoint Energy Houston Electric, LLC (“CEHE”) filed an application for approval to amend its Distribution Cost Recovery Factor (“DCRF”) with the City that will increase CEHE’s rates effective September 1, 2023, by about \$84.6 million; and,

WHEREAS, on about April 5, 2023, CEHE filed an application for approval to amend its mobile-generation rates (“Rider TEEEF”) with the City that will increase CEHE’s rates by about \$187.9 million annually; and,

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over CEHE’s rates, operations, and services within the municipality, including over its requested amendment to its DCRF under Chapter 36, §36.210; and,

WHEREAS, CEHE seeks to include in rates a profit related to its incremental investment in distribution assets it has made from January 1, 2019 through December 31, 2022, and more specifically, in its application of April 5, 2023, recovery of profit for incremental investment in distribution assets made from January 1, 2022 through December 31, 2022; and,

WHEREAS, the inclusion of CEHE’s profit on its investment in distribution assets in rates, has the effect of increasing CEHE’s revenue requirement by approximately \$84.6 million related to investments made from January 1, 2022 through December 31, 2022; and,

WHEREAS, the jurisdictional deadline for the City to act in this rate matter is 60 days from the application date, or June 4, 2023; and,

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

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

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

WHEREAS, CEHE simultaneously filed an application for approval of a DCRF with the Public Utility Commission of Texas, and therefore the decision of the Public Utility Commission of Texas will have an impact on the rates paid by the City and its citizens who are customers in CEHE's service territory, and in order for the City's participation to be meaningful, it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas; and,

WHEREAS, CEHE failed to show that its proposed rate change in its DCRF rates is reasonable and therefore the City has concluded that CEHE's proposed rate change is unreasonable; and,

WHEREAS, CEHE also filed an application to amend its rates to recover its recent acquisition of mobile generation via a tariff CEHE refers to as its "Rider TEEEF," which if approved as filed, would increase CEHE's revenue requirement by about an additional \$187.9 million related to CEHE's acquisition of mobile-generation facilities; and,

WHEREAS, CEHE failed to show that its proposed rate change in its "Rider TEEEF" rates is reasonable and therefore the City has concluded that CEHE's proposed rate change is unreasonable; and,

WHEREAS, pursuant to the Public Utility Regulatory Act (PURA) § 33.025, the City has standing to participate in ratemaking proceedings at the Public Utility Commission of Texas; and,

WHEREAS, pursuant to the Public Utility Regulatory Act (PURA) § 33.023, CEHE's applications are ratemaking proceedings; and,

WHEREAS, it is crucial for the City, as part of the Texas Coast Utilities Coalition of Cities to intervene in proceedings at the Public Utility Commission of Texas to exercise its due diligence both as an affected ratepayer, and on behalf its citizens.

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

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

Section 2. The City **DENIES** the rate increases CEHE requested on or about April 5, 2022, in CEHE's DCRF and "Rider TEEEF" ratemaking applications.

Section 3. The City authorizes intervention in proceedings related to CEHE's application for approval of its DCRF and its "Rider TEEEF" before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as the Texas Coast Utilities Coalition of Cities ("TCUC").

Section 4. The City hereby orders CEHE to reimburse the City's rate-case expenses as provided in the Public Utility Regulatory Act and that CEHE shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities related to this rate review or to related proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law.

Section 5. Subject to the right to terminate engagement at any time, the City retains and authorizes the law firm of Herrera Law & Associates, PLLC to act as Special Counsel with regard to rate proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of CEHE's rate application subject to approval by the City.

Section 6. The City, through its participation in TCUC, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CEHE for reimbursement.

Section 7. A courtesy copy of this resolution shall be sent to CenterPoint Energy Houston Electric, LLC, care of Ms. Denise Gaw, 1111 Louisiana Street, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Parkway, Austin, Texas 78756.

Section 8. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

Section 10. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 24th day of April 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date. Chief of Police, Terry David Lynch, stated the City Staff wished to amend the Traffic Ordinance by removing two (2) Stop Signs at the intersection of John Knox Boulevard and Old Boling Road.

REMOVALS:

Sec. 82-63: Please REMOVE the following designated Stop Signs:

1. John Knox Boulevard at Old Boling Road, facing south.
2. John Knox Boulevard at Old Boling Road, facing north.

After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-05, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2023-05**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 82 TRAFFIC, PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that the City of Wharton Code of Ordinances, Chapter 82 Traffic, shall read as follows:

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-63. Stop intersections designated.

The following intersections shall be removed as designated stop intersections as follows:

1. John Knox Boulevard at Old Boling Road, facing south.
2. John Knox Boulevard at Old Boling Road, facing north.

Penalty Clause

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

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Effective Date

This Ordinance shall become effective on the 5th day of May 2023 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 24th day of April 2023

CITY OF WHARTON, TEXAS

By: _____
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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase with funds from the National Opioid Settlement of a Drug Terminator through Pilar Products, a sole source provider, and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Chief of Police, Terry David Lynch, stated the Wharton Police Department was wanting to purchase a narcotic incinerator. Chief Lynch said the destruction of narcotics had always been a problem due to the heavy accumulation of evidence and narcotics from the successful prescription drug-take-back box, located in the PD Lobby. He said the Department had an opportunity through the National Opioid Settlement to purchase a unit without affecting the budget and Pilar Products was a sole-source manufacturer due to its ability to continuously be fed while in operation at the cost of \$5,781.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-24, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-34**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE WITH FUNDS FROM THE NATIONAL OPIOID SETTLEMENT OF A DRUG TERMINATOR THROUGH PILAR PRODUCTS, A SOLE SOURCE PROVIDER, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The Wharton Police Department wishes the City Council to approve the purchase of a drug terminator through Pilar Products, a sole source provider; and,

WHEREAS, The Wharton Police Department wishes to utilize funds from the National Opioid Settlement for said purchase; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to purchase a drug terminator in the amount of \$5,781.00.

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 drug terminator from Pilar Products, a sole source provider in the amount of \$5,781.00 with funds from the National Opioid Settlement.

SECTION II. The Wharton City Council hereby authorizes the Mayor to execute all documents for said purchase.

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

PASSED AND APPROVED this 24th day of April 2023.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Interlocal Agreement between the City of Wharton and the City of El Campo for street, drainage, and utility construction equipment and authorizing the Mayor of the City of

Wharton to execute said agreement. Public Works Director, Anthony Arcidiacono, stated that to secure additional equipment resources and maintain a great relationship with the City of El Campo, the City of Wharton Public Works Department was proposing to enter into an Interlocal Cooperation Agreement with the Public Works Department of the City of El Campo for streets, drainage, and utility construction equipment. Mr. Arcidiacono said this would allow both cities to share equipment for different operations where either city was currently deficient. He said this agreement would be in place for three (3) years upon approval. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2023-35, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-35**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WHARTON AND THE CITY OF EL CAMPO FOR STREET, DRAINAGE, AND UTILITY CONSTRUCTION EQUIPMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The City of El Campo and the City of Wharton have agreed to provide street, drainage, and utility construction equipment for various Public Works improvement projects located within the corporate boundaries of the other party; and,

WHEREAS, The City of El Campo and the City of Wharton have determined that the street, drainage and utility construction equipment provided for herein will serve the interests of the citizens of El Campo and Wharton and the inhabitants thereof and foster future cooperative efforts for utilizing specialized equipment in both cities; and,

WHEREAS, When requested by the City of El Campo, the City of Wharton shall furnish equipment reasonably necessary to conduct the agreed upon work between the City of El Campo and the City of Wharton; and,

WHEREAS, When requested by the City of Wharton, the City of El Campo shall furnish equipment reasonably necessary to conduct the agreed upon work between the City of Wharton and the City of El Campo

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the City of El Campo for street, drainage, and utility construction equipment.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the Interlocal Agreement between the City of Wharton and the City of El

Campo for street, drainage, and utility construction equipment.

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

Passed, Approved, and Adopted this 24th day of April 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council adopting procedures for financial payments including grant payments and authorizing the Mayor of the City of Wharton to execute all documents related to said plan. Finance Director, Joan Anzel, stated the Texas General Land Office (GLO) conducted a desk monitoring review on contract #19-076-050-B703. Mrs. Anzel said the review included testing of Contract Terms, Federal Registers, the Code of Federal Regulations, and the Office of Management and Budget's Compliance Supplements. She said through the review one finding and one concern were identified as follows:

Finding #1-Update Financial Management Policy to Include Federal Requirements.
Finding #2-Adhere to Federal and Contract Requirements for Procurement.

Mrs. Anzel stated to meet the program requirements, the attached responses must be submitted to the General Land Office by April 25, 2023, and it required City Council approval. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-36**

A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING PROCEDURES FOR FINANCIAL PAYMENTS INCLUDING GRANT PAYMENTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.

WHEREAS, The City of Wharton is required to develop and adopt Procedures for Financial Payments including Grant Payments; and,

WHEREAS, The Financial Procedures are attached as Exhibit A; and,

WHEREAS, The Wharton City Council wishes to adopt the City of Wharton Procedures for Financial Payments including Grant Payments.

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

Section I. The Wharton City Council hereby approves and adopts the City of Wharton Procedures for Financial Payments including Grant Payments Exhibit A as attached.

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

Passed, Approved and Adopted this 24th day of April 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a request from the City of Wharton Human Resource Department, regarding the Employee Appreciation Event for the following:

- A. Waive all fees associated with renting Pleasure Park.
- B. Allow the consumption of alcoholic beverages in the park.
- C. Use of the blue trash cans and liners from the Parks Department.
- D. Allow glass containers.
- E. Allow the use of bounce houses with insurance coverage through the Texas Municipal League - Intergovernmental Risk Pool (TML-IRP).

City Secretary, Paula Favors, presented a copy of a memorandum regarding the City of Wharton Employee Appreciation Event at Pleasure Park on July 15, 2023. Mrs. Favors stated the Human

Resource Department wished to host an Employee Appreciation Event in Pleasure Park with the aforementioned items. After some discussion, Councilmember, Russell Machann, moved to approve the request from the City of Wharton Human Resource Department, regarding the Employee Appreciation Event with the afore-mentioned items A. through E. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the City of Wharton Annual Budget Calendar for Fiscal Year 2023-2024. Finance Director, Joan Anandel, presented a copy of the proposed City of Wharton Budget Calendar for Fiscal Year 2023-2024. After some discussion, Councilmember, Clifford Jackson, moved to approve the City of Wharton Annual Budget Calendar for Fiscal Year 2023-2024. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving an application for a corporate credit card with Prosperity Bank and authorizing the Police Chief, City Secretary, Planning and Development Director, EMS Director, and Public Works Director as additional signatories. Finance Director, Joan Anandel, presented a resolution to add additional credit card users to our current Prosperity Corporate Credit Card. Mrs. Anandel stated the individual limits would be \$2,500.00 each and were to be used only for travel, non-recurring purchases (i.e., one-time vendors and those with whom the City does not have an open account), or emergency use. She said the Finance Department would monitor the activity of the cards and all receipts would continue to be submitted to the Finance Department for audit purposes. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN APPLICATION FOR A CORPORATE CREDIT CARD WITH PROSPERITY BANK AND AUTHORIZING THE POLICE CHIEF, CITY SECRETARY, PLANNING AND DEVELOPMENT DIRECTOR, EMS DIRECTOR, AND PUBLIC WORKS DIRECTOR AS ADDITIONAL SIGNATORIES.

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the following officers of the City of Wharton to the City's Corporate Credit Card with Prosperity Bank:

1. Terry David Lynch, Police Chief

Signature

2. Paula Favors, City Secretary

Signature

3. Gwyn Teves, Planning and Development Director

Signature

4. Christy Gonzales, EMS Director

Signature

5. Alfio Arcidiacono, Public Works Director

Signature

Effective April 24, 2023, the above-listed City officials are the authorized signatures to the City of Wharton's Corporate Credit Card.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 24th day of April 2023.

CITY OF WHARTON

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember, Larry Pittman, seconded the motion.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Resolution No. 2023-04 of the Wharton Economic Development Corporation committing to provide local matching funds to secure and complete the 2023 Economic Adjustment Assistance Grant. Director of Planning & Development, Gwyn Teves, stated the City of Wharton City Council authorized the submission of a grant application to the Economic Development Administration (EDA) FY 2023 Public Works and Economic Adjustment Assistance Notice of Funding Opportunity on April 10, 2023. Mrs. Teves said the Wharton Economic Development Corporation (WEDC) met on April 17, 2023, and passed Resolution 2023-04 committing \$400,000.00 in matching funds to satisfy the grant requirements. She said City Staff was requesting the City Council consider approving the acceptance of the matching funds and the requested budget amendment from the WEDC. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-38, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-38**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING RESOLUTION NO. 2023-04 OF THE WHARTON ECONOMIC DEVELOPMENT CORPORATION COMMITTING TO PROVIDE LOCAL MATCHING FUNDS TO SECURE AND COMPLETE THE 2023 ECONOMIC ADJUSTMENT ASSISTANCE GRANT.

WHEREAS, The City of Wharton City Council has authorized the submission of a grant application to the 2023 Economic Adjustment Assistance Grant through the Economic Development Administration (EDA) for infrastructure improvements to Prime Eco Corporation; and,

WHEREAS, The Wharton Economic Development Corporation (WEDC) has committed matching funds in the amount of \$400,000 by Resolution 2023-04 to assist in the grant application; and,

WHEREAS, The City of Wharton City Council wishes to approve and accept the matching funds and approve the budget amendment of the WEDC as noted in attached Exhibit A.

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

SECTION I. The Wharton City Council hereby approves and accepts the matching funds and approves the budget amendment of the WEDC as noted in attached Exhibit A.

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

PASSED, APPROVED, and ADOPTED this 24th day of April 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 7, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Contract No. 2 (Water Well), Change Order No. 7 from Weisinger, Inc., for additional time to the contract in the amount of 182 days. Mrs. Teves stated

the extension was being requested due to multiple experienced delays on the part of E-Contractors – Contract No. 1. This will move the contract completion date to October 29, 2023. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2023-39, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-39**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 7, FOR ADDITIONAL CONTRACT TIME WITH WEISINGER, INC., FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to approve Change Order No. 7, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project; and,

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

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

Section I. The Wharton City Council hereby authorizes Change Order No. 7, for 182 additional days to the contract with Weisinger, Inc., for the Wharton Well and Water Plant Project.

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

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

Passed, Approved, and Adopted this 24th day of April 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The thirteenth item on the agenda was to review and consider Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves presented a copy of Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$94,287.50. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 3 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$94,287.50. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

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

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

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

After some discussion, no action was taken.

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

- A. Mayor's Committee on People with Disabilities meeting held on April 12, 2023.

After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.

- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

Executive Session

- 1. City Council may adjourn into an Executive Session in accordance with Section 551.071 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.

Discussion:

- A. Cause No. CV54148 Delsa Julia Balderas and Isades Amado Valles vs. City of Wharton.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:33 p.m.

Return to Open Session

- 1. Return to Open Session: Action on items discussed in Executive Session:
 - A. Review and Consider: Cause No. CV54148 Delsa Julia Balderas and Isades Amado Valles vs. City of Wharton.

Mayor, Tim Barker, returned the meeting to Open Session at 7:39 p.m.

After some discussion, no action was taken.

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

The meeting adjourned at 7:39 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
TIM BARKER
Mayor

ATTEST:

Paula Favors

PAULA FAVORS
City Secretary

