

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
JUNE 12, 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; Burnell Neal; Russell Machann; Don Mueller, Larry Pittman, and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Attorney, Paul Webb; City Manager, Joseph R. Pace; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves; Lt. Lance Bothell, and Police Chief, Terry David Lynch;

Visitors present were: Walter Garrett and Wharton Economic Development Corporation Executive Director, Josh Owens.

**Roll Call and Excused Absences.**

All Councilmembers were present.

**Public Comments.**

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

**Wharton Moment.**

Councilmember, Russell Machann, congratulated Sgt. Stephen Jimenez on his graduation from the FBI Academy in Quantico, VA on June 8<sup>th</sup>, 2023. Police Chief, Terry David Lynch, stated Jimenez was the third person to graduate from the FBI Academy from Wharton Police Department.

**Review and Consider:**

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 8, 2023, and May 22, 2023, and the special meeting held May 15, 2023. After some discussion, Councilmember, Terry Freese, moved to approve the reading of the minutes from the regular meetings held May 8, 2023, and May 22, 2023, and the special meeting held May 15, 2023. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution of the Wharton City Council accepting donations for the Police Academy Sponsorship and authorizing the Mayor of the City of Wharton to execute all documents related to said donations. Chief of Police, Terry

David Lynch, stated the Wharton Police Department had initiated a program where the department sponsors a cadet through the Police Academy, namely Wharton County Junior College Law Enforcement Academy. Chief Lynch said that three local donors, wishing to remain anonymous, generously donated tuition, books, and uniforms to cover the sponsorship costs. He said the City Staff was requesting that the City Council approve the acceptance of said donation in the amount of \$4,800.00 (\$1,600.00 x3) for sponsorship purposes. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-49, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-49**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING DONATIONS FOR THE POLICE ACADEMY SPONSORSHIP AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID DONATIONS.**

**WHEREAS,** The Wharton Police Department has initiated a program where the department sponsors a cadet through the Wharton County Junior College Law Enforcement Academy; and,

**WHEREAS,** The City of Wharton City Council wishes to accept donations for the sponsorship of cadets for the Wharton County Junior College Law Enforcement Academy in the amount of \$4,800.00 (\$1,600.00 x3); and,

**WHEREAS,** The said donations will cover the costs of tuition, books, and uniforms; and,

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

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

**SECTION I.** The Wharton City Council hereby accepts the donations for the Police Academy Sponsorship in the amount of \$4,800.00.

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

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

**PASSED, APPROVED, and ADOPTED** this 12<sup>th</sup> day of June 2023.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember, Terry Freese, seconded the motion. All voted in favor. Councilmember, Larry Pittman, abstained from voting.

The third item on the agenda was to review and consider a resolution of the Wharton City Council approving a Memorandum of Understanding between the City of Wharton and the Wharton Independent School District regarding a drainage study for the Eddie Joseph Memorial Stadium Detention Pond and authorizing the Mayor of the City of Wharton to execute all documents related to said Memorandum of Understanding. Director of Planning & Development, Gwyn Teves, stated that after receiving complaints of drainage concerns on Stadium Drive, Mr. Pace and the City Staff met with the WISD Superintendent and Staff to discuss the possibility of the City performing a drainage study of the area and the existing detention pond that was constructed for the Eddie Joseph Memorial Stadium. Mrs. Teves said the Memorandum of Understanding intended to establish an agreement to collaborate on a drainage study for the Eddie Joseph Memorial Stadium Detention Pond, 1 Stadium Drive, Wharton, TX 77488. She said the drainage study would identify the current drainage infrastructure, evaluate the drainage system's capacity, and propose recommendations to address existing regional drainage problems. Mrs. Teves stated the Memorandum had been reviewed by the City Attorney and Dr. O'Guin, WISD Superintendent, had also approved the agreement and returned it with his signature. After some discussion, Councilmember, Terry Freese, moved to approve Resolution No. 2023-50, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-50**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF WHARTON AND THE WHARTON INDEPENDENT SCHOOL DISTRICT REGARDING A DRAINAGE STUDY FOR THE EDDIE JOSEPH MEMORIAL STADIUM DETENTION POND AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID MEMORANDUM OF UNDERSTANDING.**

**WHEREAS,** The City of Wharton City Council wishes to approve a Memorandum of Understanding with the Wharton Independent School District regarding collaboration on a drainage study for the Eddie Joseph Memorial Stadium Detention Pond, 1 Stadium Dr., Wharton, TX 77488; and,

**WHEREAS,** The drainage study will identify the current drainage infrastructure, evaluate the capacity of the drainage system, and propose recommendations to address existing regional drainage problems; and,

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

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

**SECTION I.** The Wharton City Council hereby approves the Memorandum of Understanding with the Wharton Independent School District regarding collaboration on a drainage study for the Eddie Joseph Memorial Stadium Detention Pond, 1 Stadium Dr., Wharton, TX 77488.

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

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

**PASSED, APPROVED, and ADOPTED** this 12<sup>th</sup> day of June 2023.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fourth item on the agenda was to review and consider an ordinance abandoning and releasing a Temporary Construction Easement on a 0.231-acre tract of land, situated in the Randall Jones ½ League, Abstract No. 36, City of Wharton, Wharton County, Texas. Director of Planning & Development, Gwyn Teves, stated that to perform the repair of the Santa Fe Outfall, the City acquired a temporary construction easement and drainage easement on the adjoining properties. Mrs. Teves said that Mr. Randall Maynard had requested that the TCE be released from his property since the construction was completed in October 2022. She said the City Staff recommended that the Council approve the release of the TCE. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2023-07, which read as follows:

**CITY OF WHARTON**

**ORDINANCE NO. 2023-07**

**AN ORDINANCE ABANDONING AND RELEASING A TEMPORARY CONSTRUCTION EASEMENT ON A 0.231 AC. TRACT OF LAND, SITUATED IN THE RANDALL JONES ½ LEAGUE, ABSTRACT NO. 36, CITY OF WHARTON, WHARTON COUNTY, TEXAS.**

**WHEREAS** A temporary construction easement has been designated for drainage facility construction purposes on a 0.231-acre tract of land, situated in the Randall Jones League, Abstract No. 36, as shown on the survey attached hereto, marked Exhibit A, and incorporated herein; and,

**WHEREAS,** The owner has requested the City of Wharton, Texas to abandon the above-described easement; and,

**WHEREAS,** The above-described easement is no longer needed for construction; and,

**WHEREAS,** It appears to the Mayor and City Council of Wharton, Texas that it is desirable and proper to close, abandon, and release the above-described easement.

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

**Section I.** The City of Wharton closes, abandons, and releases the above-described temporary construction easement.

**Section II.** The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

**Section III.** This ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Wharton, Texas, on the 12<sup>th</sup> day of June 2023.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember, Don Mueller, 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 adopting the City of Wharton Waiver Valuation Policy for Involuntary Acquisitions and setting an effective date. Director of Planning & Development, Gwyn Teves, stated that as a requirement for General Land Office (GLO) grants that require involuntary acquisitions of property, the City of Wharton was required to adopt a policy showing that it would follow the 2022 GLO CDBG Implementation Manual Chapter 8 Acquisition & Relocation steps, as well as the HUD guidance for acquisition regarding waiver valuations. After some discussion, Councilmember, Terry Freese, moved to approve the City of Wharton Resolution No. 2023-51, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-51**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING THE CITY OF WHARTON WAIVER VALUATION POLICY FOR INVOLUNTARY ACQUISITIONS AND SETTING AN EFFECTIVE DATE.**

**WHEREAS,** The General Land Office (GLO), requires the City Council to review and adopt, by resolution, the City of Wharton Waiver Valuation Policy for Involuntary Acquisitions for the current GLO Grants being administered by the City of Wharton; and,

**WHEREAS,** The attached City of Wharton Waiver Valuation Policy complies with the 2022 GLO CDBG Implementation Manual Chapter 8 Acquisition & Relocation steps, as well as the HUD guidance for acquisition regarding waiver valuations.

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

**Section I.** The City of Wharton has complied with the requirements of 2022 GLO CDBG Implementation Manual Chapter 8 Acquisition & Relocation steps, as well as the HUD guidance for acquisition regarding waiver valuations and the City of Wharton Waiver Valuation Policy for involuntary acquisitions attached hereto as “Exhibit A” is hereby adopted.

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

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of June 2023.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**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 Pay Request No. 2 from Insituform Technologies, LLC., for the S. East Ave. Sanitary Sewer Repairs Contract 7220499. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 2 from Insituform Technologies for the S. East Ave. Sanitary Sewer Repairs Contract 7220499 in the amount of \$14,265.00. After some discussion, Councilmember, Terry Freese, approved Pay Request No. 2 from Insituform Technologies for the S. East Ave. Sanitary Sewer Repairs Contract 7220499 in the amount of \$14,265.00. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the Wharton Economic Development Corporation Fiscal Year 2023-2024 Annual Budget. Mr. Josh Owens, Executive Director of the Wharton Economic Development Corporation, presented a copy of the Wharton Economic Development Corporation Fiscal Year 2023-2024 Annual Budget. Mr. Owens stated there was a correction and presented a supplemental communication with changes to the proposed budget. After some discussion, Councilmember, Russell Machann, moved to approve the Wharton Economic Development Corporation Fiscal Year 2023-2024 Annual Budget with corrections as presented. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eighth 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, Councilmember, Russell Machann, moved to appoint the following:

- A. Appointments.

Wharton Economic Development Corporation Board of Directors.

Term Expiring:

Larry Pittman

September 30, 2024

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

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

- A. Finance Committee meeting held May 22, 2023.

After some discussion, no action was taken.

**Executive Session**

- 1. City Council may adjourn into an Executive Session by Sections 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any about any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

- A. City Managers Evaluation.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:19 p.m.

**Return to Open Session**

- 1. Action on items discussed in Executive Session:

- A. City Managers Evaluation.

Mayor, Tim Barker, returned the meeting to Open Session at 7:45 p.m.

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

The meeting adjourned at 7:45 p.m.

**CITY OF WHARTON, TEXAS**

By: *Tim Barker*  
**TIM BARKER**  
Mayor

**ATTEST:**

*Paula Favors*

**PAULA FAVORS**  
City Secretary

