

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
MARCH 25, 2024**

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, Burnell Neal, led the opening devotion, and Mayor, Tim Barker led the pledge of allegiance.

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

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anandel; Gwyn Teves; Public Works Director, Roderick Semien; EMS Director, Christy Gonzales; Building Official, Claudia Velasquez, and Emergency Management Coordinator Lt., Ben Guanajuato.

Visitors present were: Brian Jarrad; David Voulgaris; Joel Charles; Ryan Salazar, and Sam Scinta, Jr. with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

All Councilmembers were present.

**Public Comments.**

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

**Wharton Moment.**

Mayor, Tim Barker, called for Wharton Moments. Mayor Barker stated Mr. David Voulgaris was present and he was running for Councilmember District #4. He said Mr. Voulgaris' father served as the Mayor of Wharton as well.

**Proclamation**

Mayor Tim Barker declared the Proclamation as follows: Child Abuse Prevention and Sexual Assault Awareness Month.

**CITY OF WHARTON  
OFFICE OF THE MAYOR  
PROCLAMATION**

**WHEREAS,** Violence and abuse remain a significant public health issue, but communities may thrive by establishing partnerships between survivors, social service organizations, law enforcement, government and civic agencies, and victim advocates; and,

**WHEREAS,** 1 in 3 women and 1 in 6 men will experience unwanted sexual experiences in their lifetime, and 1 in 6 boys and 1 in 4 girls will experience child abuse before the age of 18; and,

**WHEREAS,** Abuse can have long-term damaging effects on the survivor that leave a mark on family, friends, and the community at large; and,

**WHEREAS,** Each year, the month of April is dedicated to recognizing survivors of sexual assault and child abuse while also providing prevention, awareness, education, and accessible resources; and,

**WHEREAS,** We dedicate ourselves to protecting vulnerable members of our community and encourage all citizens to learn more about the ongoing efforts in prevention and awareness. The Crisis Center and Department of Family & Protective Services asks the community to join in promoting public awareness and prevention throughout the month of April, including:

- ‘Start by Believing Day’ on April 3rd to support those who have been the victims of sexual violence.
- Light up the Square in El Campo, on April 11th, to recognize survivors in our communities.
- ‘Go Blue Day’, April 14th- wear blue to support awareness of child abuse.
- ‘Denim Day’, April 24th- Wear denim in support of survivors of sexual violence

Together, we can create a better future for children, families, and all citizens of Wharton.

**NOW, THEREFORE, I, TIM BARKER,** by the authority vested in me as Mayor of the City of Wharton, Texas, do hereby proclaim the month of April 2024 as

***“Sexual Assault and Child Abuse Awareness Month”***

in the City of Wharton and let it signify our commitment to supporting survivors of sexual assault and child abuse while encouraging strong criminal justice and civil system responses to end the epidemic of violence and abuse in our communities.

**IN WITNESS THEREOF,** I have set my hand and caused the seal of the City of Wharton to be affixed this 25th day of March, in the year of our Lord two thousand twenty-four A.D.

**Review and Consider:**

The first item on the agenda was to review and consider the City of Wharton Financial Report for February 2024. Finance Director, Joan Andel, presented the City of Wharton Financial Report for

February 2024. After some discussion, Councilmember, Don Mueller, moved to approve the City of Wharton Financial Report for February 2024. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The second item on the agenda to view and consider was a request from Mr. Joel Charles and Ms. Barbara Galbreath for the City of Wharton to clean up a City alley. City Manager, Joseph R. Pace, presented a copy of a request from Mr. Charles and Ms. Galbreath regarding the clean-up of a City alley received by his office. After some discussion, City Manager Pace stated this office would handle the request. No action was taken.

The third item on the agenda was to review and consider a resolution by the City of Wharton, Texas ("City") suspending the effective date for ninety days in connection with the rate increase filing made on or about March 6, 2024, by Centerpoint Energy Houston Electric LLC; authorizing the City's continued participation in a coalition of cities known as the "Texas Coast Utilities Coalition of Cities;" authorizing participation in proceedings at the Public Utility Commission of Texas; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; requiring proof of notice; 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, stated that on March 6, 2024, CenterPoint Energy Houston Electric, LLC ("CEHE") filed an application to increase its retail rates by approximately \$60 million in annual revenue, or 2.6% in comparison to current retail revenues and the increase of \$60 million was comprised of an increase of about \$17 million for retail customers and about \$43 million for wholesale transmission customers. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-33, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-33**

**RESOLUTION BY THE CITY OF WHARTON, TEXAS ("CITY") SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING MADE ON OR ABOUT MARCH 6, 2024, BY CENTERPOINT ENERGY HOUSTON ELECTRIC LLC; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "TEXAS COAST UTILITIES COALITION OF CITIES;" AUTHORIZING PARTICIPATION IN PROCEEDINGS AT THE PUBLIC UTILITY COMMISSION OF TEXAS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; 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**, CenterPoint Energy Houston Electric ("CEHE" or "Company") filed a Statement of Intent with the City on or about March 6, 2024, to change its rates within the corporate limits of this municipality, specifically to increase its annual revenue for its retail transmission and

distribution services by approximately \$60 million, comprised of an increase of about \$17 million for its retail customers and about \$43 million for its wholesale transmission customers; 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; and,

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

**WHEREAS**, the City, in matters regarding applications by CEHE to change rates, has in the past joined with other local regulatory authorities to form an alliance of cities known as Texas Coast Utilities Coalition (“TCUC”) and hereby continues its participation in TCUC; and,

**WHEREAS**, in CEHE’s prior general rate case submitted in April 2019, in Docket No. 49421 before the Public Utility Commission of Texas (“PUCT”), CEHE requested an increase of about \$154.6 million, and the PUCT approved an increase of about \$13 million in large part due to the City’s participation in TCUC and coordination with other cities and their review of CEHE’s application; and,

**WHEREAS**, CEHE’s rate request consists of a voluminous amount of information, including CEHE’s rate-filing package, exhibits, schedules, and workpapers; and,

**WHEREAS**, CEHE’s rate application is the Company’s first general rate case since about April 2019; and,

**WHEREAS**, CEHE proposed April 10, 2024, as the effective date for its requested increase in rates; and,

**WHEREAS**, it is not reasonably possible for the City to complete its review of CEHE’s filing by April 10, 2024; and,

**WHEREAS**, the City will need an adequate amount of time to review and evaluate CEHE’s rate application to enable the City to adopt a final decision as a local regulatory authority with regard to CEHE’s requested rate increase; 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**, CEHE submitted a corresponding application with the Public Utility Commission of Texas on the same date as it filed its application with the City, and the Public Utility Commission’s decision could have a direct impact on the City and its citizens who are customers of CEHE and in order for the City’s participation to be meaningful it is important that the City intervene in any such proceedings at the Public Utility Commission related to CEHE’s application to increase rates, including any appeals taken from the Commission’s final order.

**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.** CEHE's proposed effective date for its proposed increase in rates is hereby **SUSPENDED** for ninety days beyond April 10, 2024.

**Section 3.** The statutory suspension period may be further extended if CEHE does not provide proper public notice of its request to increase rates, its rate-filing package is materially deficient, or by agreement.

**Section 4.** The City shall continue to participate in a coalition of cities known as the Texas Coast Utilities Coalition of Cities ("TCUC") and authorizes intervention in proceedings related to CEHE's Statement of Intent before the Public Utility Commission of Texas and related proceedings in courts of law.

**Section 5.** The City hereby orders CEHE to reimburse the City's rate case expenses consistent with 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 related to proceedings involving CEHE before the City, the Public Utility Commission of Texas, or any court of law.

**Section 6.** Subject to the right to terminate employment 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 steering committee of the TCUC.

**Section 7.** The City, in coordination with the TCUC Steering Committee, delegates to the City Manager and/or the City Attorney, or designee of such office, review of the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to CEHE for reimbursement.

**Section 8.** A copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, P.O. Box 302799, Austin, Texas 78703, and a courtesy copy to Ms. Denise Gaw, Regulatory Manager, CenterPoint Energy, 1111 Louisiana Street, Houston, Texas 77002.

**Section 9.** 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 10.** This resolution supersedes any prior inconsistent or conflicting resolution or ordinance.

**Section 11.** This resolution shall become effective from and after its passage.

**PASSED AND APPROVED** this 25<sup>th</sup> day of March 2024.

**CITY OF WHARTON, TEXAS**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The fourth item on the agenda to review and consider was a resolution of the Wharton City Council entering into a Reimbursement Agreement with Wharton 55, LLC, for Public Improvement District No. 2 and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Finance Director, Joan Anzel, presented a copy of the Reimbursement Agreement received from Wharton 55, LLC for Public Improvement District No. 2. Finance Director Anzel stated the agreement set out the creation of a PID Reimbursement Fund where all bond proceeds and assessments received would be deposited, and all PID Project costs would be paid for from this fund. She said the City would not be responsible for obtaining the bond funds. Finance Director Anzel stated the City's PID/TIRZ Consultants, as well as Paul Webb, City Attorney, had reviewed the document and recommended presenting it to the City Council for approval. She said the Finance Committee met on Monday, March 25, 2024, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-34, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-34**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ENTERING INTO A REIMBURSEMENT AGREEMENT WITH WHARTON 55, LLC, FOR PUBLIC IMPROVEMENT DISTRICT NO. 2 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into a Reimbursement Agreement with Wharton 55, LLC for Public Improvement District (PID) No. 2; and,

**WHEREAS,** The Wharton City Council will create a Public Improvement District (PID) Reimbursement Fund where all assessments and PID bond proceeds will be deposited into, and all payments to the developer will be paid; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the Reimbursement Agreement with Wharton 55, LLC for Public Improvement District (PID) No. 2.

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

**Passed, Approved, and Adopted** this 25<sup>th</sup> day of March 2024.

**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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and adopting the 2024 Wharton County Basic Emergency Plan and authorizing the Mayor to execute all documents related to said plan. On September 25, 2023, the Wharton County Basic Emergency Management Plan was approved by the Wharton County Commissioners Court to be submitted to the Texas Department of Emergency Management (TDEM) for approval. Emergency Management Coordinator, Ben Guanajuato, stated the preceding Plan was last updated and adopted in February 1996 and in previous years, the current Plan is a collaboration of Wharton County, the City of Wharton, the City of El Campo, and the City of East Bernard to adopt the updated plan. Lt. Guanajuato said the final draft of the updated Plan was prepared, and the plan was submitted to TDEM for approval and to make the approved Plan effective, the Plan needed to

be adopted by the participating entities. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-35, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-35**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND ADOPTING THE 2024 WHARTON COUNTY BASIC EMERGENCY PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID PLAN.**

**WHEREAS,** The City of Wharton finds vulnerability to many potential hazards that are shared by residents of the City of Wharton and Wharton County; and,

**WHEREAS,** The City of Wharton and Wharton County find it in the best interest of its residents to combine resources of the City and the County by having a Wharton County Basic Emergency Plan; and,

**WHEREAS,** The Wharton City Council wishes to ratify and adopt the 2024 Wharton County Basic Emergency Plan; and,

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

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

**Section I.** The Wharton City Council hereby ratifies and adopts the 2024 Wharton County Basic Emergency Plan for the City of Wharton.

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

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

**Passed, Approved, and Adopted** this 25<sup>th</sup> day of March 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember, Steve Schneider, 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 authorizing the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare from Stryker Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director Christy Gonzales presented a copy of a memorandum from her regarding the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare from Stryker Medical. EMS Director Gonzales stated the quote was in the amount of \$106,635.41. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-36, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-36**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF ONE (1) POWERPRO2, STAIR CHAIR, LIFEPAK15, AND POWERPRO-PROCARE FROM STRYKER MEDICAL FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.**

**WHEREAS,** The Emergency Medical Services Department is in need of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare to outfit a sixth ambulance; and,

**WHEREAS,** The total cost of the said purchase is in the amount of \$106,635.41; and,

**WHEREAS,** The Wharton City Council wishes to approve the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare for the Emergency Medical Services Department in the amount of \$106,635.41; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the City Manager to execute all documents related to the purchase of one (1) PowerPro2, stair chair, LifePak15, and PowerPro-ProCare for the Emergency Medical Services Department in the amount of \$106,635.41.

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

**Passed, Approved, and Adopted** this 25th day of March 2024.

**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.

The seventh item on the agenda to review and consider was a resolution of the Wharton City Council authorizing the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control from Boundtree Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director, Christy Gonzales, presented a copy of a memorandum from her regarding the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control. EMS Director Gonzales stated the quote was in the amount of \$5,826.16. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-37, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-37**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF ONE (1) PARAPAC PLUS WITH PEEP, CPAP, AND MANUAL CONTROL FROM BOUNDTREE MEDICAL FOR THE EMERGENCY MEDICAL SERVICES DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.**

**WHEREAS,** The Emergency Medical Services Department is in need of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control; and,

**WHEREAS,** The total cost of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control is \$5,826.16; and,

**WHEREAS,** The Wharton City Council wishes to approve the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control for the Emergency Medical Services Department in the amount of \$5,826.16; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the City Manager to execute all documents related to the purchase of one (1) ParaPAC Plus with PEEP, CPAP, and Manual Control for the Emergency Medical Services Department in the amount of \$5,826.16.

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

**Passed, Approved, and Adopted** this 25th day of March 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving the repairs at the City of Wharton Swimming Pool and authorizing the Mayor of the City of Wharton to execute all documents related to said repairs. Public Works Director, Roderick Semien, stated the pipe flanges at the City of Wharton Swimming Pool were severely leaking in the pump house causing a damp environment along with the corrosive chlorine water rusting out different components in the pump room. Public Works Director Semien said the City Staff received one (1) quote from Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00, and that they were a member of the Buyboard Cooperative Purchasing Program. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-38, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-38**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE REPAIRS  
AT THE CITY OF WHARTON SWIMMING POOL AND AUTHORIZING THE MAYOR**

**OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID REPAIRS.**

**WHEREAS,** One (1) quote was received from Progressive Commercial Aquatics, LLC, for the repairs at the City of Wharton Swimming Pool; and,

**WHEREAS,** Said quote is in the amount of \$5,200.00; and,

**WHEREAS,** Progressive Commercial Aquatics, LLC, is a member of the Buyboard Cooperative Purchasing Program; and,

**WHEREAS,** The Wharton City Council wishes to approve said repair at the City of Wharton Swimming Pool with Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00; and,

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

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

**SECTION I.** The Wharton City Council hereby approves said repair at the City of Wharton Swimming Pool with Progressive Commercial Aquatics, LLC, in the amount of \$5,200.00.

**SECTION II.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the repairs at the City of Wharton Swimming Pool.

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

**PASSED AND APPROVED** this 25th day of March 2024.

**CITY OF WHARTON**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The ninth item on the agenda to review and consider was a resolution of the Wharton City Council authorizing and ratifying the emergency repairs of a 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way through Ram Rod Utilities, LLC, and authorizing the City Manager of the City of Wharton to execute all documents related to said repairs. Director of Public Works, Roderick Semien, presented a copy of the invoice for the repair of a leaking 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way. Director Semien stated the leak was discovered on March 5, 2024, by the Public Works Department, and after assessing the situation, it was determined that the severity of the leak was outside their capability to repair. He said that to minimize water loss and water service interruption to the businesses along the southbound side of Highway 59, it was decided to contact Ram Rod Utilities, LLC, to repair the leak and the company completed the repairs on the 16-inch main line. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-39, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-39**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE EMERGENCY REPAIRS OF A 16-INCH GATE VALVE ON HIGHWAY 59 IN THE CITY OF WHARTON RIGHT-OF-WAY THROUGH RAM ROD UTILITIES, LLC, AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID REPAIRS.**

**WHEREAS,** Emergency Repairs were needed on a 16-inch gate valve that was leaking on Highway 59 in the City of Wharton Right-of-Way; and,

**WHEREAS,** The City of Wharton engaged the services of Ram Rod Utilities, LLC, to repair the gate valve; and,

**WHEREAS,** The total cost of the repairs was in the amount of \$9,350.00; and,

**WHEREAS,** The Wharton City Council ratifies the emergency repairs through Ram Rod Utilities, LLC, for the 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way and wishes to authorize the City Manager of the City of Wharton to execute all documents.

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

**Section I.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to emergency repairs for the 16-inch gate valve on Highway 59 in the City of Wharton Right-of-Way.

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

**Passed, Approved, and Adopted** this 25th day of March 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The tenth item on the agenda was to review and consider a resolution of the Wharton City Council approving a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to develop and submit the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Public Works Director, Roderick Semien, presented a copy of the proposal from Quiddity Engineering, LLC, to assist the City of Wharton with the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (LCRR) development and submission to the Texas Commission on Environmental Quality (TCEQ). Director Semien stated the service included in the agreement was assisting the City of Wharton in developing and submitting the Initial Lead Service Line Inventory (LSLI). He said that due to recent changes in the Lead and Copper Rule, the EPA required an inventory of all lead service lines within the public water system (40 CFR 141.84), and the LSLI must be completed and submitted to TCEQ by October 16, 2024. After some discussion, Councilmember, Russell Machann, moved to approve subject to funding available through the American Rescue Plan Act (AARPA), City of Wharton Resolution No. 2024-40, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-40**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH QUIDDITY ENGINEERING, LLC, TO DEVELOP AND SUBMIT THE ENVIRONMENTAL PROTECTION AGENCY'S (EPA) LEAD AND COPPER RULE REVISION (LCRR) TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to engage the services of Quiddity Engineering, LLC, to provide professional engineering services for the development and submission of the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ); and,

**WHEREAS,** Quiddity Engineering, LLC, wishes to provide said services for the development and submission of the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ); and,

**WHEREAS,** The City of Wharton and Quiddity Engineering, LLC, wishes to be bound by the conditions of said Professional Engineering Services Agreement; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Professional Engineering Services Agreement with Quiddity Engineering, LLC, for the development and submission of the Environmental Protection Agency's (EPA) Lead and Copper Rule Revision (LCRR) to the Texas Commission on Environmental Quality (TCEQ).

**Section II.** The City of Wharton and Quiddity Engineering, LLC, are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 25th day of March 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The eleventh item on the agenda to review and consider a resolution of the Wharton City Council approving a Professional Engineering Services Agreement with Quiddity Engineering, LLC, to submit the City of Wharton Wastewater Treatment Plant No. 1 Application for Renewal of Permit WQ0010381001 to the Texas Commission on Environmental Quality and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Public Works Director, Roderick Semien, stated the City of Wharton's permit for the operation of Wastewater Treatment Plant No. 1 would expire on February 26, 2025, and the renewal permit application must be submitted for review no later than August 30, 2024, which was 180 calendar days before the permit expiration date. He said it was the City Staff's recommendation to engage services with Quiddity Engineering, LLC to apply on the City's behalf. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-41, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-41**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH QUIDDITY ENGINEERING, LLC, TO SUBMIT THE CITY OF WHARTON WASTEWATER TREATMENT PLANT NO. 1 APPLICATION FOR RENEWAL OF PERMIT WQ0010381001 TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to engage the services of Quiddity Engineering, LLC, to provide professional engineering services for the TPDES Permit Renewal Application for Wastewater Treatment Plant No. 1; and,

**WHEREAS,** Quiddity Engineering, LLC, wishes to provide said services for the TPDES Permit Renewal Applications for Wastewater Treatment Plant No. 1; and,

**WHEREAS,** The City of Wharton and Quiddity Engineering, LLC, wishes to be bound by the conditions of said Professional Engineering Services Agreement; and,

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

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

**Section I.** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute a Professional Engineering Services Agreement with Quiddity Engineering, LLC, for the TPDES Permit Renewal Application for Wastewater Treatment Plant No. 1.

**Section II.** The City of Wharton and Quiddity Engineering, LLC, are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 25th day of March 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

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

The thirteenth item on the agenda was to review and consider City Manager Reimbursement. After some discussion, Councilmember, Don Mueller, moved to approve the City Manager the Reimbursement. 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's ongoing projects. City Manager, Joseph R. Pace, presented the update on the City of Wharton's ongoing projects. 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. Resignations.
- B. Appointments.
- C. Vacancies.

After some discussion, Councilmember, Terry Freese, moved to appoint the following:

**B. Appointments**      Mayor's Committee on People with Disabilities      Term Expiring:

June 30, 2025

The sixteenth item on the agenda was to review and consider the Department Head Reports:

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

After some discussion, no action was taken.

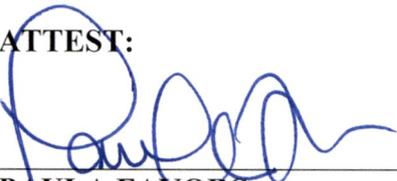
There being no further discussion, Councilmember, Don Mueller, moved to adjourn.  
Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The meeting adjourned at 7:38 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

**ATTEST:**

  
**PAULA FAVORS**  
City Secretary

