

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
AUGUST 14, 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; Don Mueller; Russell Machann; Larry Pittman, and Steve Schneider.

Councilmembers absent were: Burnell Neal.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves; Assistant to the City Manager, Brandi Jimenez, Civic Center Manager, Makyla Monroe, and Public Works Director, Roderick Semien.

Visitors present were: Wharton Economic Development Director, Josh Owens, Chamber of Commerce Director, Ron Sanders; Ms. Terry Arceo, President of the Monterey Square Business Association, and Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Steve Schneider, moved to excuse Councilmember, Burnell Neal. Councilmember, Russell Machann, seconded the motion. All voted in favor.

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. Mayor, Tim Barker, thanked the City of Wharton Utility Staff, Wharton Police Department, and Assistant to the City Manager, Brandi Jimenez, for assisting a disoriented citizen in City Hall.

Councilmember, Russell Machann, commented on a successful East Wharton County Crimestoppers golf tournament that took place over the weekend.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held July 10, 2023, and July 24, 2023, and the special meeting held July 17, 2023. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held July 10, 2023, and July 24, 2023, and the special meeting held July 17, 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 the Monterey Square Business Association to amend the original request, approved on July 24, 2023, for the following for the Monterey Square Wine and Arts Fair on October 14, 2023:

- A. Request for a variance for the carriage rides.
- B. Close Caney Street at Houston Street and Polk Street at 10:00 a.m. on October 14th due to the route of the carriage rides.
- C. Change the times of the street closings that were approved on July 24, 2023, to be changed from 2:00 p.m. to 10:00 a.m. and reopen at 10:00 p.m.
- D. Close Houston Street between Milam Street and Burleson Street at 8:00 a.m. for the stage to be prepared for the entertainment that evening until 10:00 p.m.

City Manager, Joseph R. Pace, presented a copy of the email received on August 8, 2023, from Ms. Terry Arceo, President of the Monterey Square Business Association, providing her amended requests for the aforementioned items. After some discussion, Councilmember, Terry Freese, moved to approve, afore mentioned items A. through D. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for the City of Wharton's assistance by approving the following for the Party Under the Bridge to be held Thursday, October 19, 2023:

1. Closing to traffic from 4:00 p.m. to 8:00 p.m. a portion of Elm Street from Dinosaur Park to underneath the southbound lane of Business 59 and ending near the intersection with Polk Street.
2. Closing to traffic from 4:00 p.m. to 8:00 p.m. to The Dinosaur Park parking lot and access roads.
3. Closing to traffic a portion of West Colorado Street from North Richmond Road southward to the end of Dinosaur Park.
4. Traffic control as needed, including for the route of a children's train.
5. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
6. Trash cans, and if possible, clean-up assistance.
7. Request for mosquito spraying and fire ant treatment.
8. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.

9. Labor and logistics to pick up, set up, and return chairs and eight (8) round tables owned by the Chamber.
10. Picking up, setting up, operating, and returning two (2) generator light plants that the Chamber will rent.
11. Waive all fees.

City Manager, Joseph R. Pace, presented a copy of a letter dated August 1, 2023, from Wharton Chamber of Commerce Executive Director, Ron Sanders, regarding the Party Under the Bridge. Mr. Sanders stated the event would be on Thursday, October 19, 2023, from 5:00 p.m. to 8:00 p.m. After some discussion, Councilmember, Russell Machann, moved to approve aforementioned items 1. through 11. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request for a variance from DiamondBack Gun Show to display signage nine (9) days prior to their event for the two remaining scheduled events. Civic Center Manager, Makyla Monroe, stated the City Staff was requesting that the DiamondBack Gun Show vendor be allowed to display signage promoting their event at the Wharton Civic Center nine (9) days prior to the event for the remaining two events already scheduled for the current year. Ms. Monroe said the number of attendees at the past two gun shows promoted by DiamondBack has averaged more than 700 people. She said the City Ordinance states that with the exception of nonprofit organizations, all signage may be displayed only one day before the day of the event and by allowing this variance it would allow the gun show to be promoted to all local citizens as well as attract out-of-town visitors to our city. After some discussion, Councilmember, Terry Freese, moved to approve the request for a variance from DiamondBack Gun Show to display signage nine (9) days prior to their event for two remaining scheduled events. 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 authorizing the submission of an application to the Office of the Governor for the Operation Lone Star Grant for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said grant submission. Finance Director, Joan Anzel, stated that in October 2021, the Wharton Police Department first applied for a grant through the Office of the Governor, Operation Lone Star. Mrs. Anzel said the City Staff was asking for permission to apply for this grant again. She said the purpose of the program was to enhance interagency border security operations supporting Operation Lone Star including the facilitation of directed actions to deter and interdict criminal activity and detain non-citizen inmates. Mrs. Anzel stated if awarded, the Staff would need to go back to the Council for acceptance with the new grant application, in the amount of \$205,738.04, which would fund a full-time sworn officer position, a vehicle, and all associated equipment, with no city match. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-65**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE
SUBMISSION OF AN APPLICATION TO THE OFFICE OF THE GOVERNOR FOR THE**

OPERATION LONE STAR GRANT FOR THE WHARTON POLICE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID GRANT SUBMISSION.

WHEREAS, The City of Wharton City Council wishes to submit an application to the Office of the Governor for Operation Lone Star Grant for the Wharton Police Department; and,

WHEREAS, The purpose of the program is to enhance interagency border security operations supporting Operation Lone Star including the facilitation of direct actions to deter interdict criminal activity and detain non-citizen inmates; and,

WHEREAS, The grant would be for the time period of September 1, 2023, to August 31, 2024; and,

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

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

SECTION I. The Wharton City Council hereby authorizes the submission of an application to the Office of the Governor for Operation Lone Star Grant for the Wharton Police Department.

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

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

PASSED, APPROVED, and ADOPTED this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____

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 awarding a contract for the Valhalla Water Well Rehabilitation Project and authorizing the Mayor

of the City of Wharton to execute all documents related to said contract. Public Works Director, Roderick Semien, stated that on Friday, August 4, 2023, Quiddity Engineering solicited bids for the Valhalla Water Well Rehabilitation project and bids were due on Monday, August 14, 2023, at 10:00 a.m. Quiddity Engineering. He said that at that time the bids would be reviewed for completeness and prepare a recommendation for the City Council. Councilmember, Russell Machann, moved to approve the City of Wharton Resolution No. 2023-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-66**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE VALHALLA WATER WELL REHABILITATION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Valhalla Water Well Rehabilitation project on August 14, 2023; and,

WHEREAS, Alsay Incorporated was deemed the best lowest qualified bidder for the base bid amount of \$303,574.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Alsay Incorporated with the base bid amount of \$303,574.00; and,

WHEREAS, The City of Wharton and Alsay Incorporated wish 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 the contract.

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 to execute the Valhalla Water Well Rehabilitation project contract.

Section II. The City of Wharton and Alsay Incorporated are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 14th day of August 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 awarding a contract for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated that on July 18, 2023, proposals were received for the Construction of the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project. Mrs. Teves said KSA Engineering had reviewed the submitted proposals and was recommending the contract be awarded to Staff Concrete of Victoria. She said the Finance Committee met on Monday, August 14, 2023, and was recommending the City Council approve the request. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-61, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-61**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT – DOWNTOWN REVITALIZATION PROGRAM/MAIN STREET (TXCDBG-DRP/MS) SIDEWALK PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project on July 18, 2023; and,

WHEREAS, Staff Concrete Construction was deemed the best lowest qualified bidder for the base bid amount of \$335,399.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Staff Concrete Construction for the base bid amount of \$335,399.00; and,

WHEREAS, The City of Wharton and Staff Concrete Construction wish 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 the contract.

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 to execute the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project contract.

Section II. The City of Wharton and Staff Concrete Construction are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Russell Machann, 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 a Utility Joint Use Agreement with the Texas Department of Transportation (TxDOT) for utility service relocations on U.S.-59/future I-69 for utilities to remain in the TxDOT Right of Way (ROW) and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the construction of the future I-69 through the City Limits was imminent, and the City Staff had been working with TxDOT on the required utility services to be relocated. Mrs. Teves said the utility relocation that was being displaced in the current City of Wharton Easements required the acquisition of replacement easements. She said the City Staff and HDR had been attempting to negotiate with the property owners of two of the four parcels that were required for replacement easements. Mrs. Teves stated Del Campo Square, LLC, countered back to the offers requesting approximately \$4.00 psf and after meeting with TxDOT on this counteroffer TxDOT authorized a counteroffer of no greater than \$2.00 psf, this

was relayed to the property owner and was not accepted. She said the relocation of the City's utilities was estimated to take the longest construction time and TxDOT was putting their construction for I-69 through the City of Wharton out for bid in November 2023 with a construction award expected in February 2024 and to keep the City from delaying the project it had been recommended that the City enter into a Utility Joint Use Agreement for the utilities in these two parcels to remain in the TxDOT Right of Way. Mrs. Teves said that entering into this agreement would mean that if at any time the utilities had to be moved again due to TxDOT construction, the cost would be reimbursable to the City. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-67, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-67**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A UTILITY JOINT USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR UTILITY SERVICE RELOCATIONS ON US-59/FUTURE I-69 FOR UTILITES TO REMAIN IN THE TXDOT RIGHT OF WAY (ROW) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to authorize a Utility Joint Use Agreement with TxDOT for the relocation of utilities within the TxDOT ROW for the US-59/Future I-69 Project; and,

WHEREAS, The Wharton City Council and TxDOT wishes to be bound by the terms and conditions as outlined in the agreement; and,

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

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

Section I. That the Wharton City Council hereby approves the Utility Joint Use Agreement between the City of Wharton and TxDOT for the relocation of utilities within the TxDOT ROW for the US-59/Future I-69 Project.

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

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

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

Passed, Approved, and Adopted this 14th day of August 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council approving and ratifying a proposal for well cleaning services for the City of Wharton Water Well No. 5 between the City of Wharton and Weisinger, Inc., and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Well Cleaning Proposal from Weisinger, Inc., for \$47,620.00. Mrs. Teves stated the cleaning was recommended by Quiddity, RW Harden, and Weisinger prior to the installation of the permanent pumping equipment. She said that in order to keep the project from being delayed any additional time, the authorization to proceed with the services was provided to the engineers on July 26, 2023, and the City Staff was requesting ratification of the proposal. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-68, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-68**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND RATIFYING A PROPOSAL FOR WELL CLEANING SERVICES FOR THE CITY OF WHARTON WATER WELL NO. 5 BETWEEN THE CITY OF WHARTON AND WEISINGER, INC. AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to ratify and approve the proposal for well cleaning services between the City of Wharton and Weisinger, Inc.; and,

WHEREAS, The proposal is for cleaning the City of Wharton Water Well No. 5 prior to permanent pump installation; and,

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

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

SECTION I. The Wharton City Council hereby ratifies and approves the proposal for well cleaning services between the City of Wharton and Weisinger, Inc.

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

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

PASSED, APPROVED, and ADOPTED this 14th day of August 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 tenth item on the agenda was to review and consider Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$175,500. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 5 from CF McDonald Electric, Inc. for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$175,500. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The eleventh 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, Russell Machann, moved to approve the following:

Appointments:

Term Expiring:

Ms. Sheena Barbee to the Mayor's Committee on People with Disabilities. June 30, 2025

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

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

A. Finance Committee meeting held July 24, 2023.

After some discussion, no action was taken.

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

The meeting adjourned at 7:27 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

