

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
FEBRUARY 14, 2022**

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, Clifford Jackson led the opening devotion and Mayor, Tim Barker led the pledge of allegiance.

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

Councilmember absent was: Alice Heard-Roberts.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves; Assistant to the Building Official, Claudia Velasquez; Police Chief, Terry David Lynch; Airport Manager; David Allen; Planning & Development Specialist Krystal Hasselmeier; and Public Works Director, Anthony Arcidiacono.

Visitors present were: Laura Clemons; Gloria Millsap, District Director for Senator, Joan Huffman; Larry Taylor; Joe Southern, with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

After some discussion, Councilmember, Russell Machann, moved to excuse, Councilmember, Alice Heard-Roberts. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

**Wharton Moment.**

Mayor, Tim Barker, called for Wharton Moments. No comments were given.

**Public Comments.**

Mayor, Tim Barker, called for Public Comment, which were as follows:

1. Ms. Gloria Millsap, District Director for Senator, Joan Huffman, stated she represented Senator Huffman would was representing Senate District 17 and she was excited to serve Wharton County. Ms. Millsap said that the Senator had offices in Lake Jackson, Houston and Austin and was available any time there would be a need.

2. Ms. Laura Cleamons, stated the Downtown Business owners had a successful Galentine's Event with stores that were open late and streets filled with people shopping. Ms. Cleamons reminded the City Council that the Downtown Third Thursday event was still continuing with musicians, food trucks and vendors every third Thursday of the month from 5 p.m. to 8 p.m.

**Review and Consider:**

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held January 10, 2022 and January 24, 2022. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held January 10, 2022 and January 24, 2022. 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. Washington for Variance for Temporary Placement of Travel Trailer for Temporary Housing at 820 Old Caney Road. City Manager, Joseph R. Pace, presented a copy of a request from Mr. Washington requesting a temporary variance of Chapter 38-Manufactured Housing, Mobile Homes and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles at 820 Old Caney Road. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Washington for a variance for temporary placement of travel trailer for temporary housing at 820 Old Caney Road for six months with photos of progress made if any further extensions are requested. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a resolution of the Wharton City Council amending fees for the City of Wharton Code of Ordinances, Chapter 18, Building and Construction, Article III. Construction Codes, in accordance with Section 18-68. Building Permit Fees and Inspection Fees. City Manager, Joseph R. Pace, presented a copy of a memorandum from the Code Enforcement Department requesting to amend the schedule of fees pertaining to the City of Wharton Code of Ordinances, Chapter 18, Building and Construction for the following Article: 1. Article III- Construction Codes (Building): Sec. 18-68. Modifying building permit fees and establishing civil fees. Assistant to the Building Official, Claudia Velasquez, stated the Finance Committee met on Monday, February 14, 2022 and were recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-11, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING FEES FOR THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 18, BUILDING AND CONSTRUCTION, ARTICLE III. CONSTRUCTION CODES, IN ACCORDANCE WITH SECTION 18-68. BUILDING PERMIT FEES AND INSPECTION FEES.**

**WHEREAS,** The Wharton City Council wishes to amend building plan review fees and establish civil plan review fees; and

**WHEREAS,** The Wharton City Council wishes to authorize the Building Official and/or appointed representative to enforce said charges and the applicable fees.

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

**Section I.** The City Council of the City of Wharton hereby adopts the plan review fees as described (see attached).

**Section II.** The City Council of the City of Wharton hereby authorizes the Building Official and/or appointed representative to enforce charges and the applicable fees.

**Section III.** This resolution shall become effective at 12:01 a.m., February 15, 2022.

**Passes, Approved, and Adopted** this 14<sup>th</sup> day of February 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fourth item on the agenda was to review and consider the Wharton Police Department Annual Contact Report for 2021. City Manager, Joseph R. Pace, presented a copy of the memorandum dated February 4, 2022, to him from Chief Terry D. Lynch, submitting the City of Wharton 2021 Annual Contact Report (Racial Profiling Report) in accordance with Senate Bill 1074. Chief Lynch, presented the report to the City Council. After some discussion, Councilmember, Clifford Jackson, moved to approve the Wharton Police Department Annual Contact Report for 2021. 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 City Manager to purchase one (1) patrol vehicle from Caldwell Country through

the Buy Board Cooperative Purchasing Program for the Governor's Lone Star Grant. City Manager, Joseph R. Pace, presented a copy of a resolution authorizing the City Manager to purchase one (1) patrol vehicle from Caldwell Country through the Buy Board Cooperative Purchasing Program for the Governor's Lone Star Grant. Police Chief, Terry David Lynch, stated the purchase of the vehicle totaled \$72,075.00 which included all equipment needed to re-fit the new vehicle, including a WatchGuard in-car video system, lightbar and prisoner cage. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-12, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-12**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE ONE (1) PATROL VEHICLE FROM CALDWELL COUNTRY THROUGH THE BUY BOARD COOPERATIVE PURCHASING PROGRAM FOR THE GOVERNOR'S LONE STAR GRANT.**

**WHEREAS,** The Wharton City Council authorizes the purchase of one (1) patrol vehicle from Caldwell Country through the Buy Board Cooperative Purchasing Program; and,

**WHEREAS,** The City of Wharton is a member of and participates in the Buy Board Cooperative Purchasing Program; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to purchase one (1) patrol vehicle in the amount of \$72,075.00 from Caldwell Country through Buy Board Cooperative Purchasing Program; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to execute the agreement related to the purchase of the vehicle.

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

**SECTION I.** The Wharton City Council hereby authorizes the City Manager to purchase of one (1) patrol vehicle in the amount of \$72,075.00 from Caldwell Country through the Buy Board Cooperative Program.

**SECTION II.** The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the vehicles.

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

**PASSED AND APPROVED** this 14th day of February 2022.

**CITY OF WHARTON**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember, Terry Freese, 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 construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated on January 19, 2022, bids were received for the Wharton S. East Avenue Sanitary Sewer Rehabilitation Project. Planning & Development Specialist, Krystal Hasselmeier, stated there were two (2) bids submitted for this construction project as follows: 1. Insituform Technologies, LLC in the amount of \$233,110.00. 2. T. Gray Utility AIMS, LLC in the amount of \$246,775.00. Mrs. Hasselmeier stated the recommendation for City Council to consider approving from Jones & Carter for the Wharton S. East Avenue Sanitary Sewer Rehabilitation project was Insituform Technologies, LLC. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-13, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-13**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF WHARTON S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Proposals were received for the Wharton S. East Avenue Sanitary Sewer Rehabilitation project on January 19<sup>th</sup>, 2022; and,

**WHEREAS,** Insituform Technologies, LLC was deemed the best lowest qualified bidder for the base bid amount of \$233,110.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract Insituform Technologies, LLC base bid amount of \$233,110.00; and,

**WHEREAS,** The City of Wharton and Insituform Technologies, LLC 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 S. East Avenue Sanitary Sewer Rehabilitation project contract.

**Section II.** The City of Wharton and Insituform Technologies, LLC 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 February 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember, Clifford Jackson, 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 authorizing the submission of the City of Wharton Emergency Preparedness Plan to the Texas Commission of Environmental Quality (TCEQ) and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager, Joseph R. Pace, presented a copy of the revised draft of the City of Wharton Emergency Preparedness Plan prepared by Jones & Carter. Public Works Director, Anthony Arcidiacono, stated the City of Wharton was required to submit the Emergency Preparedness Plan to the Texas Commission of Environmental Quality no later than March 1, 2022 and the Emergency Preparedness Plan was required to be implemented no later than July 1, 2022 or upon final approval by the Texas Commission of Environmental Quality. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-14, which read as follows:

**CITY OF WHARTON**

**RESOLUTION NO. 2022-14**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF THE CITY OF WHARTON EMERGENCY PREPAREDNESS PLAN TO THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY (TCEQ) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.**

**WHEREAS,** The City of Wharton City Council wishes submit the City of Wharton Emergency Preparedness Plan to the Texas Commission of Environmental Quality (TCEQ); and,

**WHEREAS,** The City of Wharton is required to submit the Emergency Preparedness Plan to the Texas Commission of Environmental Quality no later than March 1, 2022; and,

**WHEREAS,** The Emergency Preparedness Plan is required to be implemented no later than July 1, 2022 or upon final approval by the Texas Commission of Environmental Quality; and,

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

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

**SECTION I.** The Wharton City Council hereby approves to submit the City of Wharton Emergency Preparedness Plan to the Texas Commission of Environmental Quality (TCEQ).

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

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

**PASSED, APPROVED, and ADOPTED** this 14<sup>th</sup> day of February 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**

City Secretary

Councilmember, Don Mueller, 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 authorizing hangar repairs at the Wharton Regional Airport and authorizing the City Manager to

execute all documents related to said repairs. City Manager, Joseph R. Pace, presented a copy of a memorandum from Airport Manager, David Allen, regarding hangar repairs needed at the Wharton Regional Airport. Mr. Allen stated the repairs needed on Hangar #39 was replacing existing damaged gutters and extending the gutters over the office area. He said that six (6) heater vent stacks would need to be blocked off. Mr. Allen stated the quotes were as follows: 1. Morales Home & Lawn Care, Inc. \$5,400.00 2. Weather Guard \$6,800.00 3. BLS \$8,833.00. He said the repairs needed on Hangars #53-#56 was to replace all roof screws and the quotes were as follows: 1. Morales Home & Lawn Care, Inc. \$5,150.00 2. BLS \$10,522.00. Mr. Allen stated these repairs would be submitted to the Routine Airport Maintenance Program (RAMP) in which the City would be responsible for 50% of the cost. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-15, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-15**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING HANGAR REPAIRS AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO SAID REPAIRS.**

**WHEREAS,** Quotes were received for the hangar repairs at the Wharton Regional Airport and,

**WHEREAS,** Morales Home & Lawn Care was deemed the best lowest qualified bidder in the amount of \$10,550.00; and,

**WHEREAS,** The Wharton City Council wishes to authorized said repair to Morales Home & Lawn Care for the hangar repairs at the Wharton Regional Airport in the amount of \$10,550.00; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager 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 authorizes the hangar repairs at the Wharton Regional Airport to Morales Home & Lawn Care in the amount of \$10,550.00.

**SECTION II.** The Wharton City Council hereby authorizes the City Manager to execute all documents related to the hangar repairs at the Wharton Regional Airport.

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

**PASSED AND APPROVED** this 14th day of February 2022.

**CITY OF WHARTON**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember, Terry Freese, 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 Texas Subdivision and Special District Election and release form and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager, Joseph R. Pace, stated the City of Wharton approved the Texas Term Sheet in October of 2021, joining in the distribution of the of funds from opioid manufacturers. City Secretary, Paula Favors, stated the City of Wharton had been allocated \$31,700, and an additional manufacturer, Endo/Par, had become part of the legal claim. Mrs. Favors said the City of Wharton would be eligible for \$1504.14 as part of its settlement and also TEVA had become part of the settlement. She said the only requirement to join in the funding distribution is for the City Council to approve the Mayor signing the Texas Subdivision and Special District Election and Release form. City Attorney, Paul Webb, stated he had reviewed the request and was giving his recommendation for the City Council to consider approving it. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-16, which read as follows:

**CITY OF WHARTON**  
**RESOLUTION NO. 2022-16**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING TEXAS SUBDIVISION AND SPECIAL DISTRICT ELECTION AND RELEASE FORM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The City of Wharton obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and,

**WHEREAS,** These actions, conduct and misconduct have resulted in significant financial costs to the City; and,

**WHEREAS,** On May 13, 2020, the State of Texas, through the Office of the Attorney General, and anegotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term

Sheet and now an additional Texas Subdivision and Special District Election and Release Form is attached hereto as Exhibit "A" and Exhibit "B"; and,

**WHEREAS**, Special Counsel and the State of Texas have recommended that the City of Wharton support the Texas Subdivision and Special District Election and Release Form.

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

**Section I.** Support the adoption and approval the Texas Subdivision and Special District Election and Release Form; and,

**Section II.** Authorize the Mayor of the City of Wharton to sign the Texas Subdivision and Special District Election and Release Form.

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

**Passed, Approved, and Adopted** this 14th day of February 2022.

**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 a resolution of the Wharton City Council approving a contract for Administration Services in connection with the American Rescue Plan Act of 2021 (ARPA) and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated the City Council approved the establishment of a Consultant Selection Committee on July 26, 2021 and authorized the City Staff to go out for administration services for the American Rescue Plan Act of 2021 (ARPA). Director of Planning & Development, Gwyn Teves, stated proposals were received at City Hall on February 1, 2022 and the Consultant Selection Committee met on Monday, February 14, 2022, to score the proposals and provide a recommendation for City Council consideration. After some discussion,

Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-17, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-17**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ADMINISTRATION SERVICES IN CONNECTION WITH THE AMERICAN RESCUE PLAN ACT OF 2021 (ARPA) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between the City of Wharton and Public Management for administration services in connection with the American Rescue Plan Act of 2021 (ARPA); and,

**WHEREAS,** The City of Wharton and Public Management wishes to be bound by the conditions as set forth in 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 approves a contract between the City of Wharton and Public Management for administration services in connection with the American Rescue Plan Act of 2021 (ARPA).

**Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

**Section III.** The City of Wharton and Public Management are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 14<sup>th</sup> day of February 2022.

**CITY OF WHARTON**

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

**ATTEST:**

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

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving a contract for Administration Services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated the City Council approved the establishment of a Consultant Selection Committee on July 26, 2021 and authorized the City Staff to go out for administration services for the Texas Water Development Board Flood Infrastructure Fund (FIF). Director of Planning & Development, Gwyn Teves, stated the City of Wharton had been approved for funding to complete a citywide drainage study and construction projects. Mrs. Teves said proposals were received at City Hall on February 1, 2022 and the Consultant Selection Committee met on Monday, February 14, 2022, to score the proposals and provide a recommendation for City Council consideration. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-18, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-18**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ADMINISTRATION SERVICES IN CONNECTION WITH THE TEXAS WATER DEVELOPMENT BOARD FLOOD INFRASTRUCTURE FUND (FIF) PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between the City of Wharton and Langford for administration services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project; and,

**WHEREAS,** The City of Wharton and Langford wishes to be bound by the conditions as set forth in 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 approves a contract between the City of Wharton and Langford for administration services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project.
- Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.
- Section III.** The City of Wharton and Langford are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 14<sup>th</sup> day of February 2022.

**CITY OF WHARTON**

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 a contract for Engineering in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated the City Council approved the establishment of a Consultant Selection Committee on July 26, 2021, and authorized the City Staff to go out for engineering services for the Texas Water Development Board Flood Infrastructure Fund (FIF). Director of Planning and Development, Gwyn Teves, stated the City of Wharton had been approved for funding to complete a citywide drainage study and construction projects and proposals were received at City Hall on February 1, 2022. Mrs. Teves said the Consultant Selection Committee met on Monday, February 14, 2022, to score the proposals and provide a recommendation for City Council consideration. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-19, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-19**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ENGINEERING IN CONNECTION WITH THE TEXAS WATER DEVELOPMENT BOARD FLOOD INFRASTRUCTURE FUND (FIF) PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between the City of Wharton and Jones & Carter for engineering services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project; and,

**WHEREAS,** The City of Wharton and Jones & Carter wishes to be bound by the conditions as set forth in 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 approves a contract between the City of Wharton and Jones & Carter for engineering services in connection with the Texas Water Development Board Flood Infrastructure Fund (FIF) Project.

**Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

**Section III.** The City of Wharton and Jones & Carter are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 14<sup>th</sup> day of February 2022.

**CITY OF WHARTON**

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

**ATTEST:**

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

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing submission of applications to the Texas Water Development Board Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) and authorizing the Mayor of the City of Wharton to execute all documents related to said submission. City Manager, Joseph R. Pace, stated the City Staff was contacted by the Texas Water Development Board (TWDB) and was advised of the application periods for the Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) applications and was also advised that the City is currently considered as a disadvantaged community and would rate higher for any applications submitted. Director of Planning and Development, Gwyn Teves, stated the applications were due by March 4, 2022. Mrs. Teves said the City had a pending application for the Mayfair-Linwood Water Line Replacements that had been rollover eligible since 2018. This application has been advanced every year but has not been funded. She said it

was the City Staff's recommendation that this application be rolled over for the CWSRF application and for the DWSRF, the City Staff would develop an application to improve our wastewater treatment facilities or other eligible activities. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-20, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-20**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING SUBMISSION OF APPLICATIONS TO THE TEXAS WATER DEVELOPMENT BOARD CLEAN WATER STATE REVOLVING FUND (CWSRF) AND DRINKING WATER STATE REVOLVING FUND (DWSRF) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID SUBMISSION.**

**WHEREAS,** The City of Wharton City Council wishes authorize the submission of applications to the Texas Water Development Board Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF); and,

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

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

**SECTION I.** The Wharton City Council hereby approves the submittal of applications to the Texas Water Development Board Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF).

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

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

**PASSED, APPROVED, and ADOPTED** this 14th day of February 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the construction of the FM 1301 Extension Utility Relocation and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Manager, Joseph R. Pace, stated that on January 25, 2022, proposals were received for the FM 1301 Extension Utility Relocation. Director of Planning and Development, Gwyn Teves, stated there were six proposals submitted for this construction project and they were as follows: 1. JTM Construction in the amount of \$168,983.40 2. ISJ Underground in the amount of \$152,966.00 3. AR Turnkey Construction in the amount of \$217,325.00 4. Aranda Industries in the amount of \$168,734.00 5. Underground Construction Solutions in the amount of \$130,920.00 6. T-Con General Contractor in the amount of \$122,034.00. Mrs. Teves said Jones & Carter was also providing a recommendation for the FM 1301 Extension Utility Relocation. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-21, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-21**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF THE FM 1301 EXTENSION UTILITY RELOCATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Proposals were received for the FM 1301 Extension Utility Relocation on January 25<sup>th</sup>, 2022; and,

**WHEREAS,** Underground Construction Solutions, LLC was deemed the lowest best qualified bidder for the base bid amount of \$130,920.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract Underground Construction Solutions, LLC base bid amount of \$130,920.00; and,

**WHEREAS,** The City of Wharton and Underground Construction Solutions, LLC 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 FM 1301 Extension Utility Relocation contract.

**Section II.** The City of Wharton and Underground Construction Solutions, LLC 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 February 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fifteenth item on the agenda was to review and consider the FEMA DR4269-512 Public Assistance for Riverfront Park Update. City Manager, Joseph R. Pace, stated that during the flooding event in April 2016 Riverfront Park was damaged and public assistance was requested from FEMA for repairs in the amount of \$1,650,518.00 with additional mitigation funds of \$1,624,077.00. Director of Planning and Development, Gwyn Teves, stated the assistance was only approved for \$158,577.14 and the City Staff appealed the determination. Mrs. Teves said that on June 25, 2019, the appeal for the determination was approved and the staff had been working with FEMA and TDEM to get the funds obligated and the funds were obligated at a 25/75 percent split to the City. She said the mitigation funds were also approved conditionally pending the approval of a scope of work by FEMA and if alternate projects were selected the City would not be able to utilize the mitigation funds, only the initial public assistance funds of \$1,624,077.00. Mrs. Teves said that it was the recommendation of the staff to utilize the available funds of \$1,624,077.00 for alternate projects. After some discussion, Councilmember, Russell Machann, moved to approve consider the FEMA DR4269-512 Public Assistance for Riverfront Park Update. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider Pay Request No. 1 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 1 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in amount \$161,652.95. Director of Planning & Development, Gwyn Teves, stated it was the City Staff's recommendation to consider approving the request. After some discussion, Councilmember, Clifford Jackson,

moved to approve Pay Request No. 1 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$161,652.95. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventeenth item on the agenda was to review and consider Pay Request No. 1 from JTM Construction, LLC for the Colorado River Flood Control Public Utility Abandonment. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 1 from JTM Construction, LLC for the Colorado River Flood Control Public Utility Abandonment in the amount of \$72,004.50. Director of Planning and Development, Gwyn Teves, stated it was the City Staff's recommendation that the City Council consider approving the request. After some discussion, Councilmember, Steve Schneider, moved to Pay Request No. 1 from JTM Construction, LLC for the Colorado River Flood Control Public Utility Abandonment in the amount of \$72,004.50. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eighteenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, no action was taken.

### **Executive Session**

1. City Council may adjourn into an Executive Session in accordance with Section 551.072 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. Deliberation Regarding Economic Development Negotiations.

### **Return to Open Session**

1. Action on items discussed in Executive Session:

- A. Deliberation Regarding Economic Development Negotiations.

City Manager, Joseph R. Pace, stated the item would not be presented in Closed Session but instead the City Council would hear a presentation via zoom from Mr. David Pettit, with David Pettit Economic Development, regarding Public Improvement Districts and Tax Increment Reinvestment Zones. After some discussion, Councilmember, Don Mueller, moved to approving having the City Manager proceed with discussions regarding property development. Councilmember, Russell Machann, seconded the motion. All voted in favor.

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 7:47 p.m.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

*Paula M*  
**PAULA FAVORS**  
City Secretary

