MINUTES OF CITY OF WHARTON CITY COUNCIL MEETING JANUARY 9, 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, 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; Larry Pittman and Steve Schneider.
Councilmember absent was:	None.
Staff members present were:	City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; EMS Director, Christy Gonzales and Police Chief, Terry David Lynch.
Visitors present were:	Debra Medina, Wharton Economic Development Director, Josh Owens and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

Mayor Tim Baker called for Public Comments.

Wharton Moment.

Councilmember, Don Mueller, stated the Diamond Back Sporting Show held at the Wharton Civic Center on January 7th and 8th was very nice and he considered it a successful gun show.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meeting held December 12, 2022. City Secretary, Paula Favors, presented a copy of the draft minutes from the regular meeting held December 12, 2022. After some discussion, Councilmember, Terry Freese, moved to approve of the minutes from the regular meeting held December 12, 2022. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider the City of Wharton Financial Report for November 2022. Finance Director, Joan Andel, presented the City of Wharton Financial City of Wharton City Council Regular Meeting Minutes - January 09, 2023 Page 2 of 14

Report for November 2022. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for November 2022. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Chief of Police, Terry Lynch, regarding the 5th Annual Cops 'n Rodders Car Show for the following:

- A. Waive all fees associated with renting the Wharton Civic Center.
- B. Allow participants and spectators to utilize restroom facilities in the Civic Center.
- C. Allow the use of food trucks/vendors and waive permit fees.
- D. Allow the consumption of alcoholic beverages on the outdoor premises of the Civic Center.
- E. Allow the Police Department to close the roadway of University Street from Fulton Street to the entrance of the Department of Human Services Driveway, prior to and throughout the duration of the event. (8:00 a.m. 4:00 p.m.)
- F. Use of the blue trash cans and liners from the Parks Department.
- G. Have the street sweeper sweep the parking area of the Civic Center on April 28, 2023.
- H. Should it rain, allow the potential fallback day on April 30, 2023.

Chief Terry David Lynch presented a copy of a memorandum to City Manager, Joseph Pace, regarding the 5th Annual Cops 'n Rodders Car Show on April 29, 2023, at the Wharton Civic Center. Chief Lynch stated the Car Show would be the same as in previous years. After some discussion, Councilmember, Russell Machann, moved to approve the afore mentioned items A. through H. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Chief of Police, Terry Lynch, regarding The United Forces Collector's Convention for the following:

- A. Waive all fees associated with renting the Wharton Civic Center.
- B. Allow participants and spectators to utilize the restroom facilities in the Civic Center.
- C. Allow the use of food trucks and waive permit fees.
- D. Have the Street Sweeper sweep the parking area of the Civic Center on March 31, 2023.

Chief Terry David Lynch presented a copy of a memorandum to City Manager, Joseph Pace, regarding the United Forces Collector's Convention at the Wharton Civic Center on Saturday, April 1, 2023. Chief Lynch stated his request was for the afore mentioned items A. through D. After some discussion, Councilmember, Russell Machann, moved to approve items A. through D. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Chief of Police, Terry Lynch, regarding the Touch-A-Truck event for the following:

- A. Use of Riverfront Park without fees.
- B. Road Closure-100 East Elm Street at South Fulton Street to 300 East Elm Street at South Resident Street.

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- C. Use of City barricades.
- D. Allow the use of food trucks/vendors and waive permit fees.
- E. Have the Street Sweeper sweep the area March 3, 2023.

Police Chief, Terry David Lynch, presented a copy of a memorandum to City Manager, Joseph R. Pace, regarding the Touch-A-Truck Event at the Riverfront Park on Saturday, March 4, 2023 for the afore mentioned items A. through E. After some discussion, Councilmember, Russell Machann, moved to approve items A. through E. 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 approving a Joint Election Agreement with Wharton County Elections Department for the City Election; and authorizing the Mayor of the City of Wharton to execute the agreement. City Secretary, Paula Favors, presented a copy of the Joint Election Agreement with Wharton County Elections Department for the City Election, which will be held May 6, 2023. Mrs. Favors stated City Attorney, Paul Webb, reviewed the Joint Election Agreement and was recommending City Council consider approving the agreement. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-01, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-01

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A JOINT ELECTION AGREEMENT WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE CITY ELECTION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

- **WHEREAS,** The Wharton City Council wishes to approve the joint agreement with Wharton County Elections Department for the City election; and,
- **WHEREAS,** The City of Wharton and Wharton County Elections Department wishes to be bound by the conditions set forth in the 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.** That the Wharton City Council hereby approves an agreement between the City of Wharton and Wharton County Elections Department for the City election.
- **Section II.** That the City of Wharton and Wharton County Elections Department are hereby bound by the conditions set forth in the agreement.

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Section III. That the Wharton City Council hereby authorizes the Mayor of the Wharton to execute the agreement.

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

Passed, Approved, and Adopted this the 9th day of January 2023.

CITY OF WHARTON

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 approving an agreement between the City of Wharton and Prudentia, Inc., for Emergency Medical Services Billing and Collection Services and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. Director of EMS, Christy Gonzales, presented a copy of the agreement between the City of Wharton and Prudentia, Inc., for Emergency Medical Services Billing and Collection Services. Mrs. Gonzales stated that City Attorney, Paul Webb, had reviewed and approved the agreement. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-02, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-02

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND PRUDENTIA, INC., FOR EMERGENCY MEDICAL SERVICES BILLING AND COLLECTION SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, Prudentia, Inc., and the City of Wharton wish to enter into an agreement for Emergency Medical Services Billing and Collection Services; and,

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- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and,
- **WHEREAS,** The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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 the agreement for Emergency Medical Services Billing and Collection Services between Prudentia, Inc., and the City of Wharton.
- Section II. The Mayor of the City of Wharton is hereby authorized to execute the agreement.
- Section III. That this resolution shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED this 9th day of January 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Civicplus, for annual recurring supplements services and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Secretary, Paula Favors, presented a copy of a draft service agreement with CivicPlus for the City of Wharton's codification of Ordinances services that the City Staff was requesting the City Council consider approving. Mrs. Favors stated the City of Wharton submits ordinances needed for codification on an as needed basis to CivicPlus and the new Annual Billing Model for Supplement Services would replace the current "per page" rate and associated fees for supplement services. She said that there was a 20% discount for the first full

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year, for those able to sign the agreement before January 10, 2023, and the following rates would apply:

- * First Year \$3038 \$607.60 (20% discount) = \$2430.40.
- * Second Year \$3038
- * Third Year \$3189.90 (5% uplift)

Mrs. Favors said City Attorney, Paul Webb, had also reviewed and approved the agreement to be submitted for City Council consideration. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-03, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-03

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND CIVICPLUS, FOR ANNUAL RECURRING SUPPLEMENTS SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

- **WHEREAS,** the City of Wharton wishes to enter into an agreement with CivicPlus, for annual recurring supplements services; and,
- **WHEREAS,** the Wharton City Council and CivicPlus, wishes 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 all documents related to the 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 an agreement with CivicPlus, for annual recurring supplements services.
- **Section II.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the agreement.
- Section III. That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 9th day of January 2023.

CITY OF WHARTON, TEXAS

By:

TIM BARKER Mayor City of Wharton City Council Regular Meeting Minutes - January 09, 2023 Page 7 of 14

ATTEST:

PAULA FAVORS City Secretary

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

The nineth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of a grant application for the Texas Department of Transportation (TxDOT) 2023 Transportation Alternatives Set-Aside (TA Set-Aside) Program Call for Projects and authorizing the Mayor of the City of Wharton to execute all documents relating to said application. Finance Director, Joan Andel, stated that on December 2, 2022, the Texas Department of Transportation (TxDOT) announced a statewide Call for Projects under the Transportation Alternatives Set-Aside (TA Set-Aside) Program for population areas of 200,000 or less. Mrs. Andel said the TA Set-Aside Program provides funding to construct a variety of alternative transportation projects that improve mobility for non-motorized users and mitigate congestion by providing transportation options and safe routes to school. She said the City had applied and received funding under this program in 2009, 2012 and 2020 for numerous sidewalk improvements throughout the City and in previous years, the City had been responsible for a 25% match in funding, however the City was eligible for Transportation Development Credits for this year's funding cycle which would cover the match and provide 100% design and construction funding. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-04, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-04

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION 2023 TA SET-ASIDE PROGRAM CALL FOR PROJECTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATION.

- **WHEREAS,** The Texas Department of Transportation administers the federally funded TA Set-Aside Program which provides opportunities for non-traditional transportation related activities; and,
- **WHEREAS,** Projects submitted under this program should go above and beyond standard transportation activities and be integrated into the surrounding environment in a sensitive and creative manner that contributes to the livelihood of the communities, promotes the quality of the environment, provides safe routes to school, and enhances the aesthetics of roadways; and,

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- **WHEREAS,** The Texas Department of Transportation has announced the 2023 Program Call for candidate enhancement projects for the TA Set-Aside Program; and,
- **WHEREAS,** The Wharton City Council wishes to submit an application to the Texas Department of Transportation for sidewalk additions that would include the creation of safe routes to school and ADA compliant pedestrian accessibility in Wharton in accordance with the State of Texas regulations; and,
- WHEREAS, The Wharton City Council wishes to agree to provide the required local match at 20% or greater of the total project cost, including being responsible for all non-federally fundable items and 100% of cost over runs if determined ineligible for the 2023 Transportation Development Credits; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said application.

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

- Section I. The above listed project, if selected for the TA Set-Aside Program funding by the Texas Department of Transportation, will be placed in the appropriate Transportation Improvement Program for the City of Wharton.
- **Section II.** The City of Wharton, Texas, fully supports and authorizes the submission of an application for funding through the Texas Department of Transportation TA Set-Aside Program with the specific goal of sidewalk construction that would include the creation of safe routes to school and ADA compliant pedestrian accessibility for ADA compliance in Wharton in accordance with the State of Texas regulations.
- Section III. The City of Wharton feels strongly that the proposed project demonstrates the City of Wharton's desire to provide safe, ADA compliant pedestrian routes in Wharton.
- **Section IV.** The City of Wharton supports funding this project as described in the 2023 TA Set-Aside Nomination Form (including the construction budget, the department's 15% administrative cost, and the required local match) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing. The City of Wharton is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding.
- **Section V.** The Mayor of the City of Wharton is hereby authorized to execute all documents related to said application.
- Section VI. That this resolution shall become effective immediately upon is passage.

Passed, Approved and Adopted this the 9th day of January 2023.

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CITY OF WHARTON, TEXAS

By:

TIM BARKER Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember, Clifford Jackson, 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 services to complete the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLFR), TX1666 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract and setting an effective date. Finance Director, Joan Andel, stated that as part of the City of Wharton Recovery Plan, the City Council authorized funding to prepare a Downtown Master Plan. Mrs. Andel said that on November 14, 2022, the Council established a Consultant Selection Committee (CSC) for the selection of a qualified firm to perform the Downtown Master Plan for the City of Wharton. She said the City Staff issued a request for proposals (RFP) for firms and services to prepare the Master Plan that was funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666 and establish a Consultant Selection Committee to review the RFP's submitted for the program. Mrs. Andel said the City received seven proposals and the CSC Economic Development Committee was recommending Ardurra out of the following submitted proposals:

- 1. Kendig Keast Collaborative
- 2. Cartodyne
- 3. Angelou Economics
- 4. Orchestra Partners
- 5. Askura Robinson
- 6. LJA
- 7. Ardurra

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

CITY OF WHARTON RESOLUTION NO. 2023-05

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A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR SERVICES TO COMPLETE THE DOWNTOWN MASTER PLAN FUNDED THROUGH THE CITY OF WHARTON AMERICAN RESCUE PLAN ACT – FEDERAL CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA-CLRF), TX1666 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT AND SETTING AN EFFECTIVE DATE.

- WHEREAS, The City of Wharton received sealed bids for the Downtown Master Plan on December 20, 2022; and,
- WHEREAS, The Wharton City Council wishes to approve a contract between the City of Wharton and Ardurra for services to complete the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666; and,
- **WHEREAS,** The City of Wharton authorizes the Mayor of the City of Wharton to execute the agreement and 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 Ardurra for services to complete the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666.
- **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 Ardurra 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 9th day of January 2023.

CITY OF WHARTON

By:

TIM BARKER Mayor City of Wharton City Council Regular Meeting Minutes - January 09, 2023 Page 11 of 14

ATTEST:

PAULA FAVORS City Secretary

Councilmember, Larry Pittman, 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 supporting a petition to the State Legislature during the 2023 Session to address state funding to match competitive federal rail programs. Director of Economic Development, Josh Owens, stated Wharton County was strategically located for warehousing and distribution industries because of our location on the USMCA/KCS corridor and proximity to the Houston Metro. Mr. Owens said the Texas Department of Transportation/the State of Texas had not pursued federal funding for rail enhancements due to the lack of a state appropriation of matching funds for federal rail grants and Texas had left \$19 billion in potential federal grants on the table due to lack of state matching funds for federal grants. He said it was requested that the City consider submitting a resolution in support of the petition to get this funding applied to the appropriate places and available for the use of cities and counties that could desperately use the funding. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-06, which read as follows:

CITY OF WHARTON RESOLUTION NO. 2023-06

A RESOLUTION OF THE WHARTON CITY COUNCIL SUPPORTING A PETITION TO THE STATE LEGISLATURE DURING THE 2023 SESSION TO ADDRESS STATE FUNDING TO MATCH COMPETITIVE FEDERAL RAIL PROGRAMS.

- **WHEREAS,** The Federal Bipartisan Infrastructure Law (BIL), signed into law November 2021, provides for a generational investment in America's intermodal transportation needs for five years: and,
- **WHEREAS,** Freight and intercity passenger rail is an integral part and engine of our economy; and,
- **WHEREAS,** Funding programs to be administered by the Federal Railroad Administration will allow for rail improvement projects at the local, region and state level to move people and goods; and,
- **WHEREAS,** These projects will include eliminating and improving dangerous at-grade highway rail crossings, improve the safety, efficiency, and reliability of railroads; and,

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- **WHEREAS,** Programs can provide funding for track rehabilitation, elimination of rail bottlenecks and repair or replacement of aging bridges in rural rail districts; and,
- **WHEREAS,** The BIL can provide funding for the development of industrial rail parks and transload facilities in rural areas to promote economic growth and jobs; and,
- **WHEREAS,** Programs can identify and develop federal-state partnerships for intercity passenger rail to restore service to towns and cities long deprived of options for surface transportation; and,
- **WHEREAS,** The State of Texas lost out on its share of over \$19 billion in the last decade because there was no state match available for competitive federal grants and those funds went to other states; and,
- **WHEREAS,** Appropriated Fund 0306, the Texas Rail Relocation and Improvement Fund, approved in a constitutional amendment in 2005 but never funded; and,
- **WHEREAS,** The Rail Relocation and Improvement Fund would direct the Texas Department of Transportation and their Rail Division to be involved in the planning, programming, and construction of projects to move people and goods in our state; and,
- **WHEREAS,** The livelihood of our growing economy depends on a strong multi-modal transportation network that includes rail; and,
- **WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the resolution on behalf of the City.

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

- **Section I.** They support a petition to the State Legislature during the 2023 session to address Texas' transportation infrastructure needs with a FAIR-SHARE-FOR-RAIL kickstart appropriation to the Rail Relocation and Improvement Fund in an amount determined by the Texas Department of Transportation as sufficient to enable the State to compete for matching funds in federal rail grant programs.
- **Section II.** The Mayor of the City of Wharton is hereby authorized to execute all documents related to said resolution.
- Section III. That this resolution shall become effective immediately upon is passage.

Passed, Approved and Adopted this the 9th day of January 2023.

CITY OF WHARTON, TEXAS

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By:

TIM BARKER Mayor

ATTEST:

PAULA FAVORS City Secretary

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

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

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

After some discussion, no action was taken.

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

A. Finance Committee meeting held December 12, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:18 p.m.

CITY OF WHARTON, TEXAS

By: & Barke

TIM BARKER Mayor

ATTEST:

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Λ PAULA FAVORS City Secretary

