

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
NOVEMBER 28, 2022**

Mayor, Tim Barker, declared a Regular Meeting duly open for the transaction of business at 7:02 P.M. at City Hall 120 E. Caney Street Wharton, TX. Adraylle Watson, led the opening devotion and Mayor, Tim Barker, led the pledge of allegiance.

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

Councilmember absent was: Clifford Jackson.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Anandel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Facilities Maintenance Director, Bob Baker, EMS Director, Christy Gonzales; Public Works Director, Anthony Arcidiacono; Sgt. Stephen Jimenez and Assistant to the Building Official, Claudia Velasquez.

Visitors present were: Wharton Economic Development Director, Josh Owens; Adraylle Watson and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Clifford Jackson. Councilmember, Terry Freese, seconded the motion. All voted in favor.

Public Comments.

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

Wharton Moment.

Councilmember, Terry Freese, stated the Wharton Chamber of Commerce Holiday Parade was a success with a large turnout.

Review and Consider:

The first item on the agenda was to review and consider City of Wharton Financial Report for October 2022. Finance Director, Joan Anandel, presented the City of Wharton Financial Report for October 2022. After some discussion, Councilmember, Russell Machann, moved to approve the

City of Wharton Financial Report for October 2022. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Mrs. Teves stated the Planning Commission met on Monday, November 21, 2022, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Seng Ooi, on behalf of Amber Ooi, owner of 505 Reed Ave., RBP Ranch, Block 1, Lot 1-10, 1 Reserve, Block 2, Lot 1 & 2 to replat the property. Councilmember, Russell Machann, 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 approving a Memorandum of Understanding with the County of Wharton for Street Construction Services and authorizing the Mayor of the City of Wharton to execute all documents related to said Memorandum of Understanding. Public Works Director, Anthony Arcidiacono, presented a copy of an aerial of the 1050'X22' section of C.R. 140 from Hwy. 60 to C.R. 140 that needs to be reconstructed. Public Works Director Arcidiacono stated Wharton County Precinct No. 1 was currently working on their portion of the road and were interested in rebuilding the portion within the City limits. Mr. Arcidiacono said the County was willing to perform the rebuild if the City was willing to provide the expenses for the materials which were as follows:

1050'x22'
270 tons of gravel @ \$13.25 per ton = \$3,577.50
1.7 tons of MC-30 @ \$950.00 per ton = \$1,615.00
2 tons of CRS-2 @ \$ 608.91 per ton = \$1,217.82
35 tons or Gr 3 rock @ \$73.00 per ton = \$2,555.00
78 tons of hot-mix @ \$98.00 per ton = \$7,644.00
Trucking for the asphalt \$2,000.00

Approximate total to the City-\$18,609.32

He said this was an approximate estimate that will have to be adjusted after the new pricing starts in January. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-127, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-127**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A
MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF WHARTON FOR
STREET CONSTRUCTION SERVICES AND AUTHORIZING THE MAYOR OF THE**

CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID MEMORANDUM OF UNDERSTANDING.

WHEREAS, The City of Wharton City Council wishes to enter into a Memorandum of Understanding with the County of Wharton for Street Construction Services; and,

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

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

SECTION I. The Wharton City Council hereby approves the Memorandum of Understanding with the County of Wharton for Street Construction Services

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

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

PASSED, APPROVED, and ADOPTED this 28th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Emergency Medical Services Ambulance Bay Roof Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Facilities Maintenance Director, Bob Baker, and EMS Director, Christy Gonzales, presented a copy of bids obtained for the roof replacement to Emergency Medical Services Ambulance Bay. EMS Director Gonzales stated the Emergency Medical Services Bay Roof was over thirty years old and had several leaks therefore it was needing to be replaced. Mrs. Gonzales said the bids were received as follows:

1. C4 Construction Group, LLC \$30,300.00

2. Jaco Roofing & Construction, Inc. \$37,997.00

After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-128, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-128**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE EMERGENCY MEDICAL SERVICES AMBULANCE BAY ROOF PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Bids were received for the Emergency Medical Services Ambulance Bay Roof Project; and,

WHEREAS, C4 Construction Group, LLC, was deemed the best lowest qualified bidder in the amount of \$30,300.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to C4 Construction Group, LLC, for the Emergency Medical Services Ambulance Bay Roof Project in the amount of \$30,300.00; and,

WHEREAS, The City of Wharton and C4 Construction Group, 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 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 to execute a contract for the Emergency Medical Services Ambulance Bay Roof Project to C4 Construction Group, LLC, in the amount of \$30,300.00.

Section II. The City of Wharton and C4 Construction Group, 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 28th day of November 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 fifth item on the agenda was to review and consider a request from the Wharton Economic Development Corporation for the City Council's consent to proceed with developing a new logo through a public process to gather citizen feedback on a logo design, funded by the Wharton Industrial Foundation's bequest. Wharton Economic Development Corporation Executive Director, Josh Owens, presented a copy of his letter regarding the development of a new logo. After some discussion, Councilmember, Terry Freese, moved to approve proceeding with developing a new logo through a public process to gather citizen feedback on a logo design, funded by the Wharton Industrial Foundation's bequest. Councilmember, Russell Machann, 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 City Manager of the City of Wharton to execute a Performance Agreement with the Wharton Economic Development Corporation regarding funding for the Mowing and Landscape Maintenance Agreement with Texas Department of Transportation of approximately 89 acres of land along Highway US 59 at its intersection with FM 102 and Highway 60. Wharton Economic Development Director, Josh Owens, presented a copy of an agreement between the City of Wharton and Wharton Economic Development Corporation. Mr. Owens stated the Municipal Maintenance Performance Agreement would be funded the City's agreement with TxDOT for the Landscape and Maintenance Agreement the City had been approved. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-129, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022 - 129**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY
MANAGER OF THE CITY OF WHARTON TO EXECUTE A PERFORMANCE
AGREEMENT WITH THE WHARTON ECONOMIC DEVELOPMENT
CORPORATION REGARDING FUNDING FOR THE MOWING AND LANDSCAPE
MAINTENANCE AGREEMENT WITH TEXAS DEPARTMENT OF**

TRANSPORTATION OF APPROXIMATELY 89 ACRES OF LAND ALONG HIGHWAY 59 AT ITS INTERSECTION WITH FM 102 AND HIGHWAY 60.

WHEREAS, The Wharton City Council wishes to authorize a Municipal Maintenance Performance Agreement with the Wharton Economic Development Corporation for the maintenance of approximately 89 acres along US Highway 59 at its intersection with FM 102 and Highway 60; and,

WHEREAS, The City of Wharton and Wharton Economic Development Corporation wishes to be bound by the conditions set forth in said contract; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager 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, THAT:

Section I. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute a Municipal Maintenance Performance Agreement with Wharton Economic Development Corporation.

Section II. The City of Wharton and Wharton Economic Development Corporation are hereby bound by the conditions set forth in the agreement.

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

PASSED, APPROVED and ADOPTED this 28th day of November 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

BY: _____
PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider proposed City of Wharton Write Offs:

- A. City of Wharton EMS.
- B. Utilities.

Finance Director, Joan Andel, presented a copy of the memorandum dated November 18, 2022, recommending the write offs for the EMS accounts and a copy of the memorandum dated November 18, 2022, that indicated the Utility Department's request for the uncollected balances for the Fiscal Year 2021 – 2022 to be written off due to non-payment. Mrs. Andel stated the City Council Finance Committee met on Monday, November 28, 2022 and were recommending the City Council consider approving the write offs for the EMS and Utility Departments. After some discussion, Councilmember, Russell Machann, moved to approve both the write offs for the EMS accounts and Utility Department's request for the uncollected balances for the Fiscal Year 2021 – 2022 to be written off due to non-payment. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the cancellation of the December 26, 2022, Regular Wharton City Council Meeting. City Manager, Joseph R. Pace stated that due to the Holiday Season, he was requesting the Mayor and City Council to consider canceling the December 26, 2022, Regular City Council Meeting. City Manager said that if it becomes necessary, a special meeting would be scheduled. After some discussion, Councilmember, Don Mueller, moved to approve the cancellation of the December 26, 2022, Regular Wharton City Council Meeting. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

The tenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated November 21, 2022 regarding the City of Wharton on-going projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT:

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City has acquired all properties for the project. Utility relocations for City utilities is near completion and all private utilities have been relocated or abandoned. All asbestos abatement has been completed. Phase 1 was awarded on May 27th, but due to a complication the award was terminated, and the project will need to be rebid. USACE is currently anticipating going back out for procurement in November 2022 with an anticipated award in April 2023. Phase II Acquisition is tentatively anticipated to be authorized by end of December 2022. Phase I Public Engagement

meeting to be held October 17th at the Civic Center. USACE will be present to speak about the current status of the project.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The project is one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition. The project is also listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance. Project has currently been delayed due to environmental concerns with USACE permitting for jurisdictional waters.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential drainage ditches that have experienced poor drainage.

4. Pecan Acres (Mahan, Kinkaid, Delmas) Drainage Project.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area. The project is listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of October.

2. Water Well and Water Plant Project – CR 222 (Halford).

Monthly progress meetings are being held. Well drilling complete and pump being installed and set in October pending electrical service connection by CenterPoint. Ground storage tank construction complete. Plant construction still in progress.

STREET IMPROVEMENTS:

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. ROW is in process of being turned over to TxDOT for construction letting in October 2022.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that CivilCorp engineering has begun design and the City is involved in regular coordination meetings. City staff is coordinating with Quiddity Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion. 3 easements will have to be acquired by City Staff to replace existing easements on US59 to relocate the existing sanitary sewer facilities. City Staff is working with TxDot and Quiddity to compose a reimbursement agreement to be brought to the City Council.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design. As of last coordination meeting the ramp has been implemented in the design with a turnaround under the FM 102 overpass to allow for easy access to the retail area on the alternate side of the Interstate.

After some discussion, no action was taken.

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held November 14, 2022.
- B. Finance Committee meeting held November 14, 2022.

After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.

- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.
- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

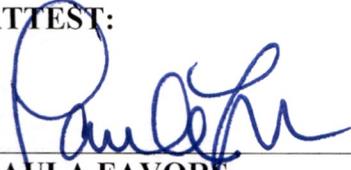
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 7:32 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

