

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
SEPTEMBER 26, 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. 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; Clifford Jackson; Larry Pittman and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch and Assistant to the Building Official, Claudia Velasquez.

Visitors present were: Zack Pomeroy; Alberto Vasquez; Tammy Atkinoon; Margaret Montgomery Kosta; Ron Sanders, Executive Director of the Wharton Chamber of Commerce; Alejandro Vargas and Joe Southern with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

All Councilmembers were present.

**Public Comments.**

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

**Wharton Moment.**

City Manager, Joseph R. Pace, stated the 30<sup>th</sup> Annual Rotary Gala took place on Saturday, September 24, 2022 at the Wharton Civic Center and it was a huge success.

**Review and Consider:**

The first item on the agenda was to review and consider the City of Wharton Financial Report for August 2022. Finance Director, Joan Andel, presented the City of Wharton Financial Report for August 2022. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for August 2022. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item was to review and consider an ordinance adopting the Fiscal Year 2022-2023 Annual Budget for the City of Wharton, Texas; appropriating the sums established therein; and directing the City Secretary to file copies as required by law. Finance Director, Joan Anandel, stated that during the Regular City Council meeting held on August 22, 2022, the City Council received under separate cover a copy of the proposed budget for the City of Wharton, Texas, Fiscal Year October 1, 2022 to September 30, 2023. Mrs. Anandel said that during the Regular City Council meeting held September 12, 2022, the City Council held a Public Hearing to receive public input regarding the City of Wharton Annual Budget for Fiscal Year 2022-2023. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Ordinance No. 2022-15, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2022-15**

**AN ORDINANCE ADOPTING THE FISCAL YEAR 2022-2023 ANNUAL BUDGET FOR THE CITY OF WHARTON, TEXAS; APPROPRIATING THE SUMS ESTABLISHED THEREIN; AND DIRECTING THE CITY SECRETARY TO FILE COPIES AS REQUIRED BY LAW.**

**WHEREAS**, the City's Budget for the Fiscal Year ending September 30, 2023, which is attached hereto, was duly submitted to the City Council more than thirty (30) days prior to September 30, 2022; and,

**WHEREAS**, a Public Hearing was duly called and held on said Budget not less than seven days nor more than fourteen days after date of publication giving notice of such meeting and prior to the time the City Council of the City of Wharton levied taxes for such current Fiscal Year; and,

**WHEREAS**, all parties desiring to participate and be heard at said Public Hearing having been heard until no more evidence was offered, and such hearing having been concluded, and the City Council of said City having made such changes in such Budget as in its judgment the law warrants and the best interest of the taxpayers of the City of Wharton, Texas, demand, said Budget with such changes being attached hereto, as aforesaid.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS:**

**Section 1.**     **THAT** the findings set out in the preamble of this ordinance are true and correct.

**Section 2.**     **THAT** the Budget of the City of Wharton, Texas for the Fiscal Year ending September 30, 2023, be and the same is hereby, in all respects, finally approved and adopted including any changes approved by the City Council; and the same shall be and is hereby filed with the City Secretary of the City.

- Section 3.** **THAT** the General Fund is hereby established to account for resources associated with traditional government activities, which are not required legally or by sound financial management to be accounted for in another fund. The General Fund is hereby approved with \$6,560,284 estimated revenues and \$7,665,930 in appropriations and with transfers-in approved at \$1,180,144 and transfers-out approved at \$74,498. The amounts are specified for departmental purposes named in said Budget and they are hereby appropriated to and for such purposes at the departmental level.
- Section 4.** **THAT,** the PEG (Public, Educational, Government television access) Fund is created to account for all funds received from the 1% franchise fee provided through the local cable provider. The PEG Fund is hereby approved with \$3,500 in estimated revenues and \$3,500 in appropriations.
- Section 5.** **THAT** the Hotel Motel Fund is created to account for the occupancy tax levied on hotel rooms within the City as adopted by City Ordinance and consistently with Chapter 351 of the Texas Tax Code. The Hotel Motel Fund is hereby approved with \$281,850 in estimated revenues which includes \$281,850 in appropriations including transfers-out approved at \$224,350 with a beginning fund balance of approximately \$76,252.
- Section 6.** **THAT** the Narcotics Seizure Fund is created to account for the resources and uses of assets seized in illegal narcotics activities. The uses are limited to law enforcement activities. The Narcotics Seizure Fund is hereby approved with \$5,700 estimated revenues, \$5,700 appropriations with beginning fund balance of approximately \$35,072.
- Section 7.** **THAT** the Debt Service Fund is hereby created to account for the accumulation of resources collected for Interest and Sinking requirements and for the disbursement of those resources for debt requirements. The Debt Service Fund is hereby approved with \$2,681,303 in estimated revenues and \$2,681,303 in appropriations. The estimated beginning fund balance is \$496,033.
- Section 8.** **THAT** the Capital Improvement Fund is created to account for infrastructure improvements authorized by the City Council. The Capital Improvement Fund is approved with \$100,000 in estimated revenues and expenses. The estimated beginning fund balance is \$219,345.
- Section 9.** **THAT** the Water and Sewer Fund is created to account for the resources and uses associated with the delivery of utility services to citizens of Wharton as an enterprise fund. The Water & Sewer Fund is hereby approved with \$6,032,900 in estimated revenues. Water and sewer is approved with \$6,032,900 in appropriations, which includes a franchise fee of 8% of water and sewer sales are approximately \$464,745, and transfers-out approved at \$1,181,732.

**Section 11.** **THAT** the Solid Waste Fund is created to account for the financial activities of the City's solid waste collection contract and delivery to citizens of Wharton as an enterprise fund. The Solid Waste Fund is approved with \$1,691,349 in estimated revenues and \$1,691,349 in appropriations which includes a franchise fee of 6% of solid waste revenues or approximately \$86,007.

**Section 12.** **THAT** the Emergency Medical Services Fund is created to account for the financial activities of the emergency medical services provided to the city and surrounding areas as an enterprise fund. The Emergency Medical Services Fund is approved with \$2,657,636 in estimated revenues and \$2,657,636 in appropriations which includes transfers-out of \$98,412.

**Section 13.** **THAT** the Civic Center Fund is created to account for the financial activities of the Civic Center as an enterprise fund. The Civic Center is approved with \$314,524 in estimated revenues and \$314,524 in appropriations. Transfers-in are approved at \$244,098.

**Section 14.** **THAT** the Airport Fund is created to account for the financial activities of the Wharton Regional Airport as an enterprise fund. The Airport Fund is approved with \$378,410 in estimated revenues and \$378,410 in appropriations.

**Section 15.** **THAT** the City Secretary shall file copies of this Ordinance and of such Budget with the County Clerk of Wharton County, Texas.

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in Council Meeting, this 26th day of September 2022 duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	YES
Clifford Jackson, Councilmember District 1	YES
Steven Schneider, Councilmember District 2	YES
Terry Freese, Councilmember District 3	YES
Donald Mueller, Councilmember District 4	YES
Russell Machann, Councilmember at Large Place 5	YES
Larry Pittman, Councilmember at Large Place 6	YES

### **Separability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**CITY OF WHARTON**

By: \_\_\_\_\_  
Tim Barker, Mayor

**ATTEST:**

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Paula Favors, City Secretary

\_\_\_\_\_  
Joseph R. Pace, City Manager

**APPROVED AS TO FORM:**

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Paul Webb, City Attorney

\_\_\_\_\_  
Joan Andel, Finance Director

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

The third item on the agenda was to review and consider an ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2022; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. Finance Director, Joan Andel, presented a copy of the draft ordinance levying a tax rate for the City of Wharton, Texas, for the Tax Year 2022; directing the Tax Assessor-Collector to assess, account for and distribute the taxes as herein levied; and providing repealing and severability clauses. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Ordinance No. 2022-16, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2022-16**

**AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF WHARTON, TEXAS, FOR THE TAX YEAR 2022; DIRECTING THE TAX ASSESSOR-COLLECTOR TO ASSESS, ACCOUNT FOR AND DISTRIBUTE THE TAXES AS HEREIN LEVIED; AND PROVIDING REPEALING AND SEVERABILITY CLAUSES.**

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

**Section 1.** **THAT** there be and is hereby levied for the year 2022 on all real and personal property within and all real and personal property and mineral royalties owned within the city limits of the City of Wharton, Texas for the year 2022, except so

much thereof as may be exempt by the constitution and of the State of Texas and of the United States, the following:

Maintenance and Operations	.09739/\$100 valuation
For Debt Service Requirements	.32022/\$100 valuation
Total Tax Rate	.41761/\$100 valuation

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE

and

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 7.9 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(-2.33).

**Section 2.** THAT the Tax Assessor-Collector and/or Finance Director is hereby directed to assess, extend and enter upon the certified tax rolls of the City of Wharton, Texas, for the current taxable year, as provided by the Wharton County Appraisal District, the amounts and rates as herein levied, to keep correct amount of same, and when collected, to be distributed in accordance with this ordinance.

### Passage and Approval

**PASSED AND APPROVED** by a favorable majority of the members of the City Council of the City of Wharton, Texas, in a Council Meeting, this 26th day of September, 2022, duly assembled in accordance with Article VI of the Charter of the City of Wharton, Texas, by the following vote:

Tim Barker, Mayor	YES
Clifford Jackson, Councilmember District 1	YES
Steven Schneider, Councilmember District 2	YES
Terry Freese, Councilmember District 3	YES
Donald Mueller, Councilmember District 4	YES
Russell Machann, Councilmember at Large Place 5	YES
Larry Pittman, Councilmember at Large Place 6	YES

### Separability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance invalid or unconstitutional any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**CITY OF WHARTON**

By: \_\_\_\_\_  
Tim Barker, Mayor

**ATTEST:**

**APPROVED FOR ADMINISTRATION:**

\_\_\_\_\_  
Paula Favors, City Secretary

\_\_\_\_\_  
Joseph R. Pace, City Manager

**APPROVED AS TO FORM:**

**APPROVED FOR FUNDING:**

\_\_\_\_\_  
Paul Webb, City Attorney

\_\_\_\_\_  
Joan Andel, Finance Director

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

The fourth item to review and consider on the agenda was a request from Mr. Alejandro Vargas, of 817 East Milam Street, Dickson Subd., Lots 21 & 22 for a variance to build over the property line between two lots for commercial building construction. Director of Planning & Development, Gwyn Teves, presented a request from Mr. Alejandro Vargas, of 817 East Milam Street, Dickson Subd., Lots 21 & 22 for a variance to build over the property line between two lots for commercial building construction. Mrs. Teves stated the Planning Commission met on September 19, 2022, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the the request with the replatting of the property to take place first. Councilmember, Terry Freese, seconded the motion. Councilmember, Machann, made a motion to resend the motion. Councilmember, Clifford Jackson, made a motion to approve the request from Mr. Alejandro Vargas, of 817 East Milam Street, Dickson Subd., Lots 21 & 22 for a variance to build over the property line between two lots for commercial building construction. Councilmember, Larry Pittman, seconded the motion. Councilmember, Terry Freese, opposed the motion. Councilmember, Steve Schneider; Councilmember, Don Mueller and Councilmember, Russell Machann, voted for the motion. The motion carried.

The fifth item on the agenda was to review and consider a request by Mr. Alberto Vasquez, for an extension of a Variance for Temporary Placement of Travel Trailer for Temporary Housing for 532 East Elm Street. Director of Planning & Development, Gwyn Teves, stated Mr. Alberto Vasquez, requested and received temporary variances 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 for 532 East Elm Street. Mrs. Teves said the last variance expired May 31, 2022 and the City had provided multiple variances and extensions of these variances in an effort to assist residents while alternative housing arrangements are made. She said that Mr. Vazquez, was constructing his home at this location and he had been in his RV and working on construction since December 2020. After some discussion, Councilmember, Russell Machann, moved to approve the request by Mr. Alberto Vasquez, for an extension of a Variance of Temporary Placement of a Travel Trailer for Temporary Housing for 532 East Elm Street for six months which would end on March 26, 2023. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. Aaron Drake, 1324 La Delle Street, Arnel Subd., Lot 11 for a 7-foot side property line setback variance for the placement of a permanent structure due to gas line conflict. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Aaron Drake, 1324 La Delle Street, Arnel Subd., Lot 11 for a 7-foot side property line setback variance for the placement of a permanent structure due to gas line conflict. Mrs. Teves stated the Planning Commission met on September 19, 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. Aaron Drake, 1324 La Delle Street, Arnel Subd., Lot 11 for a 7-foot side property line setback variance for the placement of a permanent structure due to gas line conflict. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a request from First Baptist Church for the 2022 Harvest Festival for the following:

- A. Closure of Linn Street between North Houston Street and North Fulton Street.
- B. Provide the necessary barricades.

City Manager, Joseph R. Pace, presented a copy of a letter from Mr. Zack Pomeroy, of the First Baptist Church, requesting the above mentioned for the 2022 Harvest Festival being held on October 31, 2022, from 5:30 p.m. to 7:00 p.m. After some discussion, Councilmember, Russell Machann, moved to approve the request from First Baptist Church for the 2022 Harvest Festival for the closure of Linn Street between North Houston Street and North Fulton Street and to provide the necessary barricades. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider a request from the Monterey Square Business Association, for the following for the Monterey Square Wine and Arts Fair on October 8, 2022:

- A. Hang Wine Fair Banner across the intersection of Richmond Road and Boling Highway.

City Manager, Joseph R. Pace, presented a copy of a letter from Ms. Margaret Montgomery Kosta, Secretary of the Monterey Square Business Association, providing her request for the aforementioned item. After some discussion, Councilmember, Larry Pittman, moved to approve the

request from the Monterey Square Business Association, for the Monterey Square Wine and Arts Fair on October 8, 2022 to hang the Wine Fair Banner across the intersection of Richmond Road and Boling Highway. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the resolution of the Wharton City Council authorizing the Mayor of the City of Wharton, Wharton County, Texas, to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2022 to September 30, 2023 Fiscal Year. Finance Director, Joan Andel, presented a copy of a draft agreement between the City of Wharton and the Chamber of Commerce & Agriculture for Visitor and Convention Bureau Services for the October 1, 2022 to September 30, 2023 Fiscal Year. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-96, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-96**

**A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, TO EXECUTE AN AGREEMENT WITH THE CHAMBER OF COMMERCE AND AGRICULTURE FOR VISITOR AND CONVENTION BUREAU SERVICES FOR OCTOBER 1, 2022 TO SEPTEMBER 30, 2023 FISCAL YEAR.**

**WHEREAS,** The Wharton City Council hereby authorizes Mayor Tim Barker to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services; and,

**WHEREAS,** The City of Wharton and the Wharton Chamber of Commerce and Agriculture hereby agrees 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.** That the Wharton City Council hereby authorizes Tim Barker, Mayor of the City of Wharton to execute an agreement with the Wharton Chamber of Commerce and Agriculture for Visitor and Convention Bureau Services for the October 1, 2022 to September 30, 2023 Fiscal Year.

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

**Passed, Approved, and Adopted** this 26th day of September 2022.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The tenth item on the agenda was to review and consider the resolution of the Wharton City Council approving an agreement between the City of Wharton and the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program, TxDOT CSJ No. M2313WHRT, for the airport maintenance at the Wharton Regional Airport and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Finance Director, Joan Andel, presented a copy of the 2023 Routine Airport Maintenance Program (RAMP) Grant for the Wharton Regional Airport. Mrs. Andel stated the City of Wharton had participated in the RAMP Program in the past years. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-97, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-97**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION, FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM, TXDOT CSJ NO. M2313WHRT FOR THE AIRPORT MAINTENANCE AT THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to conduct maintenance to the Wharton Regional Airport under the 2023 Routine Airport Maintenance Program; and,

**WHEREAS,** The Texas Department of Transportation Aviation Division and the City of Wharton wishes to enter into an agreement under the 2023 Routine Airport Maintenance Program for airport maintenance at the Wharton Regional Airport; and,

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

**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 a contract with the Texas Department of Transportation Aviation Division for the 2023 Routine Airport Maintenance Program.
- Section II.** That the Texas Department of Transportation Aviation Division and the City of Wharton are hereby bound by the conditions as set forth in the agreement.
- Section III.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.
- Section IV.** That this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of September 2022.

**CITY OF WHARTON**

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

**ATTEST:**

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

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

The eleventh item on the agenda was to review and consider the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) Consultant Selection Committee for Administration and Engineering Services:

- A. Resolution: A resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals (RFP) for Administrative Services and establishing a Consultant Selection Committee and developing evaluation criteria for the selection of administrative services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).
- B. Resolution: A resolution of the Wharton City Council authorizing the City Staff to issue Requests for Qualifications (RFQ) for Engineering Services and establishing a Consultant Selection Committee and developing evaluation criteria for the selection of engineering

services for the Regional Council of Governments method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

Director of Planning & Development, Gwyn Teves, stated that information was released through the Houston Galveston Area Council (HGAC) on September 7, 2022, in reference to the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). Mrs. Teves said that this information advised applicable cities that the applications to use the money allocated to them would be due by January 9, 2023, by 5:00 p.m. She requested the City Council consider accepting to receive the allocation of \$4,360,800.00 on July 25, 2022. Mrs. Teves said that due to the extremely short turn around on the application period and the amount of funding it was her recommendation that the City Council authorize City Staff to issue Requests for Proposals (RFP) for Administrative Services and Requests for Qualifications (RFQs) for Engineering Services related to the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and establish Consultant Selection Committees for both Administrative Services and Engineering Services for the program. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-98 and 2022-99, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-98**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR ADMINISTRATIVE SERVICES AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF ADMINISTRATIVE SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

**WHEREAS,** The Wharton City Council wishes to authorize City Staff to issue Requests for Proposals (RFP) for Administrative Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and provide recommendations to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Finance Committee along with the Finance Director and the Director of Planning & Development; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 authorizes City Staff to issue Requests for Proposals (RFP) for Administrative Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

**Section II.** That the Wharton City Council hereby establishes the City Council Consultant Selection Committee.

**Section III.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Finance Committee along with the Finance Director and the Director of Planning & Development.

**Section IV.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 26th day of September 2022.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_

**TIM BARKER**

Mayor

**ATTEST:**

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

City Secretary

**CITY OF WHARTON  
RESOLUTION NO. 2022-99**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR QUALIFICATIONS (RFQ) FOR ENGINEERING SERVICES AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND**

**DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF ENGINEERING SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

**WHEREAS,** The Wharton City Council wishes to authorize City Staff to issue Requests for Qualifications (RFQ) for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and provide recommendations to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes the Consultant Selection Committee to consist of the City Council Public Works Committee along with the Public Works Director and the Director of Planning & Development; and,

**WHEREAS,** The Wharton City Council wishes for this Committee to exist until a recommendation is forwarded to the entire City Council; and,

**WHEREAS,** The Wharton City Council wishes to establish the criteria of selection of the consulting firm as per Attachment A.

**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 authorizes City Staff to issue Requests for Qualifications (RFQ) for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

**Section II.** That the Wharton City Council hereby establishes the City Council Consultant Selection Committee.

**Section III.** That the Wharton City Council Consultant Selection Committee will consist of the City Council Public Works Committee along with the Public Works Director and the Director of Planning & Development.

**Section IV.** That the criteria as set forth in Attachment A is hereby approved.

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

**Passed, Approved, and Adopted** this 26th day of September 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Waterline Improvements on Armstrong Street 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 June 13, 2022, the Wharton City Council agreed to enter into an Infrastructure Improvement Agreement with the Wharton Economic Development Corporation for the waterline on Armstrong Street for the new construction of the Alamo Lumber Company. Mrs. Teves stated the agreement was to reimburse costs not to exceed \$198,000 for the improvements. She said proposals were received for the Waterline Improvements on Armstrong Street on September 26, 2022 and Quiddity Engineering was recommending the City Council consider awarding the contract to HTI Construction, Inc., in the amount of \$175,403.00. After some discussion, Councilmember Clifford Jackson moved to approve City of Wharton Resolution No. 2022-100, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-100**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WATERLINE IMPROVEMENTS ON ARMSTRONG STREET AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Proposals were received for the Waterline Improvements on Armstrong Street on September 26, 2022; and,

**WHEREAS,** HTI Construction, Inc., was deemed the best lowest qualified bidder for the base bid amount of \$175,403.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to HTI Construction, Inc, for the base bid amount of \$175,403.00; and,

**WHEREAS,** The City of Wharton and HTI Construction, Inc., 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 Waterline Improvements on Armstrong Street contract.

**Section II.** The City of Wharton and HTI Construction, Inc., 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 26<sup>th</sup> day of September 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 thirteenth item on the agenda was to review and consider resolution of the Wharton City Council awarding a contract for the Waterline Improvements at Baird Subdivision 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 August 11, 2022, the Wharton City Council approved entering into an Infrastructure Improvement Agreement with Mr. Russell Baird, for a waterline to be installed behind the Baird Subdivision buildings. Mrs. Teves said the agreement was to cover costs not to exceed \$50,000 for the improvements with proposals solicited from Branch Construction, Texas Pride Utilities and Ram Rod Utilities. She said it was the City Staff's recommendation to award the contract to Ram Rod Utilities for \$46,0550 who had provided the best and most qualified proposal. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-101, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-101**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WATERLINE IMPROVEMENTS AT BAIRD SUBDIVISION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Proposals were solicited for the Waterline Improvements at Baird Subdivision; and,

**WHEREAS,** Ram Rod Utilities, was deemed the best lowest qualified bidder for the base bid amount of \$46,050.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to Ram Rod Utilities, for the base bid amount of \$46,050.00; and,

**WHEREAS,** The City of Wharton and Ram Rod Utilities, 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 Waterline Improvements at Baird Subdivision contract.

**Section II.** The City of Wharton and Ram Rod Utilities, 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 26<sup>th</sup> day of September 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 fourteenth item on the agenda was to review and consider resolution of the Wharton City Council approving Change Order No. 4, for additional contract time with Weisinger, Inc., for the Wharton Well and Water Plant Project and authorizing the Mayor to execute all documents related to said change order. Director of Planning & Development, Gwyn Teves, presented a copy of the Wharton Well & Water Plant – Contract #2 (Water Well), Change Order No. 4 from Weisinger, Inc., for additional time to the contract in the amount of 93 days. Mrs. Teves stated this would move the contract completion date to November 30, 2022. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-102, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-102**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 4, FOR ADDITIONAL CONTRACT TIME WITH WEISINGER, INC. FOR THE WHARTON WELL AND WATER PLANT PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.**

**WHEREAS,** The Wharton City Council wishes to approve Change Order No. 4, for additional contract time with Weisinger, Inc. for the Wharton Well and Water Plant Project; and,

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

**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 Change Order No. 4, for 93 additional days to the contract with Weisinger, Inc. for the Wharton Well and Water Plant Project.

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

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

**Passed, Approved, and Adopted** this 26<sup>th</sup> day of September 2022.

**CITY OF WHARTON, TEXAS**

**By:** \_\_\_\_\_

**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The fifteenth item on the agenda was to review and consider Pay Request No. 6 and 6a, from Weisinger Inc., for the Wharton Well and Water Plant Contract No. 2 – Well Construction. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 6 in the amount of \$104,242.35 and 6a in the amount of \$25,905.61, from Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction. After some discussion, Councilmember, Clifford Jackson, moved to approve of Pay Request No. 6 in the amount of \$104,242.35 and 6a in the amount of \$25,905.61, from Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider a resolution of the Wharton City Council designating a City of Wharton Representative and Alternate to the Houston-Galveston Area Council 2023 General Assembly. City Secretary, Paula Favors, a copy of the letter dated September 7, 2022, to Mayor, Tim Barker, from Mr. Chuck Wemple of the Houston-Galveston Area Council (H-GAC) requesting the City of Wharton to designate a City of Wharton representative and alternate representative to the H-GAC 2023 General Assembly. Mrs. Favors stated Councilmember, Clifford Jackson, was serving as the City's representative for the 2022 General Assembly and Councilmember, Russell Machann, was serving as the alternate representative. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-103, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-103**

**A RESOLUTION DESIGNATING A CITY OF WHARTON REPRESENTATIVE AND ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2023 GENERAL ASSEMBLY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** that Councilmember, Clifford Jackson, be and is hereby designated as its Representative to the General Assembly of the Houston-Galveston Area Council for the year 2023.

**FURTHER**, that the Official Alternate authorized to serve as the voting representative should the hereinabove named representative become ineligible, or should he/she resign, is Councilmember,

Russell Machann.

**THAT**, the Executive Director of the Houston-Galveston Area Council be notified of the designation of the hereinabove named representative and alternate.

**Passed, Approved, and Adopted** this 26th day of September 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 seventeenth item on the agenda was to review and consider the update of City of Wharton Grant Programs. Director of Planning and Development, Gwyn Teves, presented the City of Wharton Grant Programs update. After some discussion, no action was taken.

The eighteenth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his City of Wharton projects memorandum dated September 22, 2022, 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 27<sup>th</sup>, 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.

## **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 August.

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

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

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

- A. Appointments. – Planning Commission                      Term Expiring: June 30, 2023  
Joel Williams

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

The twentieth item on the agenda was the City Council Boards, Commissions and Committee Reports:

- A. Wharton Economic Development Corporation Board of Directors Selection Committee meeting held September 12, 2022.
- B. Beautification Commission meeting held September 14, 2022.

After some discussion, no action was taken.

The twenty-first 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 7:28 p.m.

**CITY OF WHARTON, TEXAS**

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

ATTEST:

*Paula Favors*  
**PAULA FAVORS**  
City Secretary

