

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
JUNE 10, 2024**

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, Burnell Neal, led the opening devotion, and Mayor, Tim Barker, led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Burnell Neal; Larry Pittman; Steve Schneider, and David Voulgaris.

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Anel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Planning and Development Director, Gwyn Teves; Police SGT., Stephen Jimenez, and Airport Manager, Dwayne Pospisil.

Visitors present were: Ryan Salazar; Jeremy McDonald with Rise Broadband, and Sam Scinta, Jr. with the Wharton County Leader-Journal.

**Roll Call and Excused Absences.**

All Councilmembers were present.

**Public Comments.**

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

**Wharton Moment**

Mayor, Tim Barker, called for Wharton Moment. Councilmember Burnell Neal congratulated the 10u All-Stars representing Wharton in the State Championship Area 5 Softball tournament. Councilmember Neal said the girls played several great games and he was so proud to announce that they placed second in the state tournament.

**Review and Consider:**

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held May 13, 2024, and May 28, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held May 13, 2024, and May 28, 2024. Councilmember, Larry Pitman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider an update from Mr. Jeremy McDonald regarding the Rise Broadband installation and services. Mr. McDonald stated the project

completion was slated for the first of July and everything had been running smoothly. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development. Director of Planning & Development, Gwyn Teves, presented a copy of a request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development. Mrs. Teves stated the Planning Commission met and recommended this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. David Bowlin on behalf of Chapel Creek Investments, LLC to replat 1113 College St., High School, Lot 6, 7, NW Corner of 8 for multifamily development. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development. Mrs. Teves stated the Planning Commission met and recommended this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Robert Fleming Jr. on behalf of Keith Gerard Home Solutions to replat 606 Old Boling Rd., Wm. Kincheloe, Block 64-A9 for residential development. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the Mayor of the City of Wharton to submit a Letter of Intent for the City of Wharton's participation in the Texas Department of Transportation Aviation Division Capital Improvement Program by submitting an application for funding to be used for design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways to include construction phase services at the Wharton Regional Airport. Finance Director, Joan Andel, stated that on May 28, 2024, the Finance Committee met regarding improvements to the Wharton Regional Airport Runway and Taxiway. Mrs. Andel said the project cost for designing and rehabilitating the runway, Parallel Alpha, and Connector Taxiways to include construction phase services was estimated at \$2,775,000.00. She said the project would be funded through the Texas Department of Transportation Aviation Division Capital Improvement Program which was a 90% Federal and 10% Local Cost Sharing Program. Finance Director Andel stated it was the recommendation from the Finance Committee to submit this item to the City Council for final approval and to pursue this project with TxDOT Aviation Division. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-55, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-55**



**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO SUBMIT A LETTER OF INTENT FOR THE CITY OF WHARTON'S PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION AVIATION DIVISION CAPITAL IMPROVEMENT PROGRAM BY SUBMITTING AN APPLICATION FOR FUNDING TO BE USED FOR DESIGN AND REHABILITATION OF THE RUNWAY, PARALLEL ALPHA, AND CONNECTOR TAXIWAYS TO INCLUDE CONSTRUCTION PHASE SERVICES AT THE WHARTON REGIONAL AIRPORT.**

**WHEREAS,** The Wharton City Council wishes for certain improvements to be conducted at the Wharton Regional Airport; and,

**WHEREAS,** Said improvements would include a design and rehabilitation of the runway, Parallel Alpha, and Connector Taxiways at the Wharton Regional Airport to include Construction Phase Services; and,

**WHEREAS,** To fund the costs for said project, the Wharton City Council wishes to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program, which is a 90% federal/ 10% local cost share program; and,

**WHEREAS,** Total project costs are estimated to be \$2,775,000.00, and the City of Wharton would be responsible for 10% which is currently estimated to be \$277,500.00; and,

**WHEREAS,** The Wharton City Council names the Texas Department of Transportation as its agent for purposes of applying for, receiving, and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to submit a Letter of Intent to participate in said program.

**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 the Mayor of the City of Wharton to submit a Letter of Intent to participate in the Texas Department of Transportation Aviation Division, Capital Improvement Program to apply for funding to be used for the design and rehabilitation of runway, Parallel Alpha, and Connector Taxiways to include construction phase services at the Wharton Regional Airport.

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

**Passed, Approved, and Adopted** this the 10<sup>th</sup> day of June 2024.

**CITY OF WHARTON**

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

**ATTEST:**

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

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Wharton Municipal Court renovation and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Assistant City Manager, Paula Favors, stated the Wharton Municipal Court Security Committee met and discussed the security of the Court. Mrs. Favors said that one of the major obstacles with the design of the courtroom was an emergency exit for the Judge and staff if there was an emergency. She said the Committee was recommending the installation of an emergency exit door with a panic exit device be installed in the jury room. Assistant City Manager, Paula Favors, stated she sent a request for proposals to three (3) contractors, Total Outdoor Solutions, Exeter Architectural, and BLS Construction, receiving only the included bid for \$24,843.60 from BLS Construction and it was the City Staff's recommendation to accept the bid by BLS Construction for \$24,843.60. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-56, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-56**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE WHARTON MUNICIPAL COURT RENOVATION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Bids were received for the creation of an emergency exit at the Wharton Municipal Court; and,

**WHEREAS,** BLS Construction was deemed the best lowest qualified bidder in the amount of \$24,843.60; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to BLS Construction for the construction of an emergency exit at the Wharton Municipal Court in the amount of \$24,843.60; and,



**WHEREAS,** The City of Wharton and BLS Construction wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 a contract for the construction of an emergency exit at the Wharton Municipal Court to BLS Construction in the amount of \$24,843.60.

**Section II.** The City of Wharton and BLS Construction 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 10th day of June 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

Councilmember, Larry Pittman, 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 ratifying and approving Change Order No. 1 for a cost increase with Capital Underground Utilities, LLC, for the Titus Express Waterline Extension and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated the work for the Titus Waterline Extension started the week of May 28, 2024, due to the TxDOT Sidewalks going in before the waterline relocation began. Mrs. Teves said that once construction began, the contractor met with City Staff, and it was determined to be in the best interest of the City to authorize the contractor to bore the portions of the line that had originally been bid as open-cut to avoid damage to the new sidewalk and incur additional repair costs. She said the City Staff was requesting that the City Council ratify Change Order No. 1 in the amount of \$5,850.00. Director Teves said the total construction cost was \$150,850.00 and to date, the Wharton EDC had agreed to fund the construction of the project in the amount of \$147,240.00.

She said the City Staff would be presenting the difference of \$3,610.00 to the Wharton EDC Board Meeting at their June monthly meeting for potential additional reimbursement for the project. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-57, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-57**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 1 FOR A COST INCREASE WITH CAPITAL UNDERGROUND UTILITIES, LLC, FOR THE TITUS EXPRESS WATERLINE EXTENSION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.**

**WHEREAS,** The Wharton City Council wishes to ratify and approve Change Order No. 1 for the cost increase of \$5,850.00 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension; 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 ratifies and approves Change Order No. 1 for the cost increase of \$5,850.00 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension.

**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 10<sup>th</sup> day of June 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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



City Secretary

Councilmember, David Voulgaris, seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations in the amount of \$1,526,893.74. Mrs. Teves stated it was the City staff's recommendation for the City Council to consider payment. After some discussion, Councilmember, Larry Pittman, moved to approve Pay Request No. 1 from Reddico Construction Company for the U.S. 59 Water & Wastewater Utility Relocations in the amount of \$1,526,893.74. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider Appointments, Resignations, and Vacancies to the City of Wharton Boards, Commissions, and Committees:

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

After some discussion, no action was taken.

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

- A. Finance Committee meeting held May 28, 2024.

After some discussion, no action was taken.

### **Executive Session**

1. City Council may adjourn into an Executive Session in accordance with Sections 551.074 of the Local Government Code, Revised Civil Statutes of Texas. Final action, decision, or vote, if any with regard to any matter considered in Executive Session shall be made in Open Meeting.

Discussion:

- A. City Managers Evaluation.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:19 p.m.

### **Return to Open Session**

Mayor, Tim Barker, returned the meeting to Open Session at 8:04 p.m.

1. Action on items discussed in Executive Session:

A. City Managers Evaluation.

After some discussion, no action was taken.

There being no further discussion, Councilmember, David Voulgaris, moved to adjourn. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The meeting adjourned at 8:04 p.m.

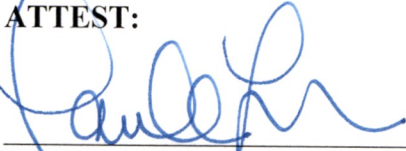
**CITY OF WHARTON, TEXAS**

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

**TIM BARKER**

**Mayor**

**ATTEST:**



**PAULA FAVORS**  
**City Secretary**

