

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JULY 24, 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, 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; Burnell Neal; Russell Machann; Don Mueller, Larry Pittman, and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Manager, Paula Favors; Finance Director, Joan Andel; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez, and Public Works Director, Roderick Semien.

Visitors present were: Charlie Nays; Laura Clemons; Chad Lemons with Green for Life (GFL); David Selesky, with Green for Life (GFL); Xavier Solache, with Green for Life (GFL) and Al Dube with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Larry Pittman. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

Public Comments.

Mayor, Tim Barker, called for Public Comments. Ms. Laura Clemons presented the City Council with information on the 500 Abell Street Affordable Rental Program Project and the shovel testing process that will take place for an archeology investigation.

Wharton Moment.

No comments were given.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton Financial Report for June 2023. City of Wharton Finance Director, Joan Andel, presented the City of Wharton Financial Report for June 2023. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for June 2023. Councilmember, Don Mueller, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Charlie Nays for a replat of William Kincheloe, Block 63, Lots 116, 116A, 117A for development. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Mr. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. Councilmember, Terry Freese, moved to approve the request from Mr. Geoffrey Brady for replat of Briargrove, Section 4, Block 1 for development. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Terry Freese moved to deny the request from Mr. & Mrs. Clark for a variance to Chapter 38 Manufactured Housing, Mobile Homes and Travel Trailers and Parks, Article 2 Requirements, Division 1 Generally, Section 38-36 Authorized Locations for replacement of an unoccupied mobile home for occupancy. Councilmember, Russell Machann, seconded the motion. Councilmember, Burnell Neal, voted against the motion. Councilmember, Steve Schneider; Councilmember, Terry Freese; Councilmember, Don Mueller; Councilmember, Russell Machann, and Councilmember, Larry Pittman, voted to deny the request. The motion request was denied.

The fifth item on the agenda was to review and consider a request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Mrs. Teves stated the Planning Commission met on Monday, July 17, 2023, and voted to recommend this item to the City Council

for consideration. After some discussion, Councilmember, Russell Machann, moved to approve a request from Mr. Greg Hippel of 804 Old Caney Rd., Old Caney Manor, Lot 1, Res. A for a 6-foot side building line setback from the required 15-foot setback for the construction of a patio cover. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The sixth 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 14, 2023:

- A. Close Fulton Street between Burleson Street and Milam Street as well as close Houston Street between Burleson Street and Hawes Street from 2:00 p.m. until 10:00 p.m. on Saturday, October 14, 2023.
- B. Provide six (6) generator lights for safety for the fair location and Guffey Park parking area.
- C. Allow open containers for alcohol on City property on the exterior sides of Monterey Square and approximately two adjoining blocks to include all participating businesses.
- D. Waive all local permits and fees.
- E. Provide trash containers, bags, and dumpster.
- F. Provide trash pick up from City workers after 10:00 p.m.

City Manager, Joseph R. Pace, presented a copy of the letter dated July 8, 2023, from Ms. Terry Arceo, President of the Monterey Square Business Association, providing her request for the aforementioned items. City Manager Pace stated the City did not own any operational generator lights and a dumpster or roll-off would be provided at the event so it was his recommendation to not approve B. or F. After some discussion, Councilmember, Russell Machann, moved to approve aforementioned items A., C., D., and E. Councilmember, Don Mueller, 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 Amendment No. 4 to the Franchise Agreement for Solid Waste Collection Services with Green For Life and authorizing the Mayor of the City of Wharton to execute the agreement. Finance Director, Joan Anandel, presented a copy of the 4th Amendment and Exhibits received from Mr. David Selesky, with Green for Life (GFL), in draft form. City Attorney, Paul Webb, stated he had reviewed the documents and found no issues. Mrs. Anandel stated the Finance Committee meet on Monday, July 24, 2023, and were recommending the City Council consider approving the amendment. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-55, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-55**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT
NO. 4 TO THE FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION**

SERVICES WITH GREEN FOR LIFE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On August 22, 2022, the Wharton City Council approved Resolution No. 2022-83 approving the franchise agreement between the City of Wharton and Waste Corporation of America to be effective October 1, 2022, and,

WHEREAS, The Wharton City Council wishes to amend the following:
Section 3.01 (a) General Specifications Residential Services Provided of the franchise agreement to reflect the residential curbside collection service; Section 3.02 (a) General Specifications Commercial Services Provided to reflect the commercial collection service;
Section 3.04 (a) General Specifications Location of Bins and Bags for Collection to reflect placement of cart;
Section 4.03 General Specifications to reflect change in holiday schedule;
Section 4.06 General Specifications Office to reflect change of available office days;
Section 4.11 (g) General Specifications Contractor Performance Standards to reflect method to notify the City staff in regards to equipment breakdowns:
Exhibit A Option #1 change to residential and commercial cost per month to the City;
Exhibit B Proposed Rate for Other Services to reflect change in cost for Pay Pile pickups to the City: and,

WHEREAS, GFL and the City of Wharton wishes to be bound by the conditions outlined 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; and,

WHEREAS, This resolution is passed in accordance with said 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 to amend the following:
Section 3.01 (a) General Specifications Residential Services Provided of the franchise agreement to reflect the residential curbside collection service; Section 3.02 (a) General Specifications Commercial Services Provided to reflect the commercial collection service;
Section 3.04 (a) General Specifications Location of Bins and Bags for Collection to reflect placement of cart;
Section 4.03 General Specifications to reflect change in holiday schedule;
Section 4.06 General Specifications Office to reflect change of available office days;
Section 4.11 (g) General Specifications Contractor Performance Standards to reflect method to notify the City staff in regards to equipment breakdowns:

Exhibit A Option #1 change to residential and commercial cost per month to the City;
Exhibit B Proposed Rate for Other Services to reflect change in cost for Pay Pile pickups to the City, of the franchise contract between the City of Wharton and Green for Life.

Section III. That the effective date of the amendment will be the 1st day of October 2023.

Section IV. That the Mayor of the City of Wharton is hereby authorized to execute the contract amendment.

Passed, Approved, and Adopted this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals for a tax increment reinvestment zone administrator. Finance Director, Joan Anandel, stated that with the progress being made with the development of Wharton 55, LLC, the City Staff was requesting that the City seek proposals for a Tax Increment Reinvestment Zone (TIRZ) administrator. Mrs. Anandel said a few of the things the TIRZ administrator was responsible for were preparing a taxable value analysis, developing a cash flow model, preparing a financing plan as well as all necessary documentation. She said the Finance Committee met on Monday, July 24, 2023, and was recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-56, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2023 - 56

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS FOR A TAX INCREMENT REINVESTMENT ZONE ADMINISTRATOR.

WHEREAS, The Wharton City Council wishes to authorize the City Staff to issue Requests for Proposals for the procurement of a consultant(s) to provide administrative duties for the tax increment reinvestment zone; and,

WHEREAS, The Wharton City Council wishes to establish a Consultant Selection Committee to consist of the City Council Finance Committee, the Finance Director, and the Director of Planning & Development; 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 has authorized the City Staff to solicit Requests for Proposals for the procurement of a consultant(s) to provide administrative duties for the tax increment reinvestment zone.

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

Passed, Approved, and Adopted this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing a credit limit increase of the City of Wharton's corporate credit limit with Prosperity Bank. Finance Director, Joan Andel, stated that since the approval of several department heads being issued corporate credit cards, it was necessary for there to be an increase in the total credit limit with Prosperity Bank. Mrs. Andel said the current limit was \$7,500.00 and it was the City Staff was requesting that the limit be increased to \$15,000.00. After some discussion,

Councilmember, Terry Freese, moved to approve the City of Wharton Resolution No. 2023-57, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-57**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING A CREDIT
LIMIT INCREASE OF THE CITY OF WHARTON'S CORPORATE CREDIT LIMIT
WITH PROSPERITY BANK.**

Resolved that the City Council of the City of Wharton, Texas hereby authorizes the credit limit of the City of Wharton's Credit Card with Prosperity Bank be changed to \$15,000.00.

Effective July 24, 2023, the above limit will be changed on the City of Wharton's Corporate Credit Card.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas this 24th day of July 2023.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

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 a resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals (RFP) for administrative services and establish a Consultant Selection Committee and develop 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). The City Council authorized hiring MPACT Strategic Consulting in November 2022 for administration

services for the COG-MOD funding application and grant administration. Director of Planning & Development, Gwyn Teves, stated the City staff began working with MPACT Strategic Consulting shortly thereafter on the submission of the application for funding, but MPACT Strategic Consulting resigned from the City shortly thereafter due to an implied conflict with the General Land Office. Mrs. Teves said that one of the Staff assigned to the City was a former GLO employee and MPACT did not want the City to have any conflicts due to this. She said the City Staff completed and submitted the application and had been working with the engineering firm that was selected, Ardurra Group, on any RFI's that have followed the application and it was the City Staff's recommendation that the City Council authorize the City Staff to re-issue Requests for Proposals (RFP) for administrative services and establish a Consultant Selection Committee for the program. After some discussion, Councilmember, Terry Freese, moved to approve Resolution No. 2023-58, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-58**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR ADMINISTRATIVE SERVICES AND ESTABLISH A CONSULTANT SELECTION COMMITTEE AND DEVELOP 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, 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 for 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, 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 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

ATTACHMENT A
Administration Professional Services Rating Sheet

Grant Recipient _____ Program(s) COG-MOD
Name of Respondent _____
Evaluator's Name _____ Date of Rating _____

Rate the Respondent of the Request For Proposal (RFP) by awarding points up to the maximum listed for each factor. Information necessary to assess the Respondent on these criteria may be gathered either from past experience with the Respondent and/or by contacting past/current clients of the Respondent. Respondents proposing to offer specific services (environmental or buyout only) will be scored only on those services.

<u>Experience</u>		
<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>

1.	Related Experience / Background with federally funded projects	5	_____
2.	Related Experience / Background with specific project type (infrastructure, acquisition of property, coordination with regulatory agency, etc.)	5	_____
3.	Related experience/background with specific services:		_____
	a. Administrative, construction management, and related acquisition	5	_____
	b. Environmental review	5	_____
	c. Buyout management (if not applicable score '0')	5	_____
4.	References from current/past clients	5	_____
	Subtotal, Experience	<u>30</u>	_____
	<u>Work Performance</u>		
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1.	Submits requests to client/GLO in a timely manner	5	_____
2.	Responds to client/GLO requests in a timely manner	5	_____
3.	Past client/GLO projects completed on schedule	5	_____
4.	Work product is consistently of high quality with low level of errors	5	_____
5.	Past client/GLO projects have low level of monitoring findings/concerns	5	_____
6.	Manages projects within budgetary constraints	<u>5</u>	_____
	Subtotal, Performance	30	_____
	<u>Capacity to Perform</u>		
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
1.	Qualifications / Experience of Staff		_____
	a. Administrative, construction management, and related acquisition	4	_____
	b. Environmental review	4	_____
	c. Buyout management (if not applicable score '0')	4	_____
2.	Present and Projected Workloads	4	_____
3.	Demonstrated understanding of scope of the COG-MOD Project(s), as appropriate	<u>4</u>	_____
	Subtotal, Capacity to Perform	20	_____
	<u>Proposed Cost</u>		
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
	Proposed cost is in line with independent estimate and compared with all cost proposals received	20	_____
	A = Lowest Proposal \$ _____ $A \div B \times 20 = \text{Respondent's Score}$		
	B = Respondent's Proposal \$ _____	20	_____
	TOTAL SCORE		
	<u>Factors</u>	<u>Max. Pts.</u>	<u>Score</u>
<input type="checkbox"/>	Experience	30	_____
<input type="checkbox"/>	Work Performance	30	_____
<input type="checkbox"/>	Capacity to Perform	20	_____
<input type="checkbox"/>	Proposed Cost	<u>20</u>	_____
	Total Score	100	_____

Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Amendment No. 1 for the HDR Professional Service Agreement for acquisition services for the City of Wharton's I-69 Utility Relocation Project and authorizing the Mayor to execute all documents related to the amendment. Director of Planning & Development, Gwyn Teves, stated on July 18, 2023, the City Staff received the Amendment No. 1 request from HDR for an increase of \$21,350.00 to the Professional Service Agreement executed on March 20, 2023, for the Acquisition Services for the City of Wharton's I-69 Utility Relocation Project. Mrs. Teves stated additional funds were requested to cover the additional services required due to the change of scope by adding an additional easement to the project. After some discussion, Councilmember,

Russell Machann, moved to approve City of Wharton Resolution No. 2023-59, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-59**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AMENDMENT NO. 1 FOR THE HDR PROFESSIONAL SERVICE AGREEMENT FOR ACQUISITION SERVICES FOR THE CITY OF WHARTON'S I-69 UTILITY RELOCATION PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO THE AMENDMENT.

WHEREAS, The Wharton City Council wishes to approve Amendment No. 1 for the HDR Professional Service Agreement for Acquisition Services for the City of Wharton's I-69 Utility Relocation Project; and,

WHEREAS, The additional funds are requested due to adding an additional easement acquisition to the scope of services; and,

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

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 Amendment No. 1 for the HDR Professional Service Agreement for Acquisition Services for the City of Wharton's Amendment No. 1 for the HDR Professional Service Agreement for Acquisition Services for the City of Wharton's I-69 Utility Relocation Project.

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

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

Passed, Approved, and Adopted this 24th day of July 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated C3 Constructors, LLC was awarded the contract for the WWTP #1 Headworks and Coarse Screen Replacement Project on July 11, 2022. Mrs. Teves said that upon removal of the existing coarse screen for replacement it was discovered that the channel was not coated under the equipment and prior to putting the new coarse screen in place, it was the recommendation of the contractor and engineers to fully recoat the channel. She presented a copy of the recommendation and Change Order 1 from Quiddity in the amount of \$39,655.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-60, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-60**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1 FOR SURFACE PREPARATION AND COATING OF THE CHANNEL WITH C3 CONSTRUCTORS, LLC FOR THE WWTP #1 HEADWORKS AND COARSE SCREEN REPLACEMENT 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. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement 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. 1 for surface preparation and coating of the channel with C3 Constructors, LLC for the WWTP #1 Headworks and Coarse Screen Replacement 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 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the Texas Community Development Block Grant – Downtown Revitalization Program/Main Street (TXCDBG-DRP/MS) Sidewalk Project and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. City Secretary, Paula Favors, stated the item would be pulled from the agenda and brought back at a future meeting.

The fourteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving and ratifying a proposal for surveying services for the F.M. 1301 Extension Railroad Overpass between the City of Wharton and Huitt-Zollars and authorizing the City Manager of the City of Wharton to execute all documents related to said agreement. Director of Planning & Development, Gwyn Teves, stated the F.M. 1301 Extension construction had begun and as a part of the construction process, the contractor performed an initial construction survey and staking and found a possible discrepancy in the overpass elevations due to the addition of a second track by Kansas City Southern. Mrs. Teves said it was required by TxDOT to have the design team survey and verify that the additional track would not impact the current design or make any changes necessary to the original design. She said that to eliminate additional overhead costs, the City was contracting directly with Huitt-Zollars, who was the surveyor of the original design team, and to keep any additional delays from occurring to the project, Mr. Pace, City Manager, executed the proposal and City Staff was requesting that the City Council ratify the proposal. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-62, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AND RATIFYING A PROPOSAL FOR SURVEYING SERVICES FOR THE F.M. 1301 EXTENSION RAILROAD OVERPASS BETWEEN THE CITY OF WHARTON AND HUITT-ZOLLARS AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton City Council wishes to ratify and approve the proposal for surveying between the City of Wharton and Huitt-Zollars; and,

WHEREAS, The proposal is for surveying the railroad overpass design for F.M. 1301 Extension; and,

WHEREAS, The Wharton City Council wishes to authorize the City Manager of the City of Wharton to execute all documents relating to said proposal.

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

SECTION I. The Wharton City Council hereby ratifies and approves the proposal for surveying between the City of Wharton and Huitt-Zollars.

SECTION II. The Wharton City Council hereby authorizes the City Manager of the City of Wharton to execute all documents related to said proposal.

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

PASSED, APPROVED, and ADOPTED this 24th day of July 2023.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fifteenth item on the agenda was to review and consider a resolution of the Wharton City Council terminating the agreement between the City of Wharton and Insituform Technologies, LLC for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project.

Director of Planning & Development, Gwyn Teves, stated the City Council authorized a contract with Insituform Technologies, LLC on February 14, 2022, and there had been numerous delays and issues during the contract period. Mrs. Teves said Insituform had issued a letter outlining their work delays and problems with the project and had requested a change order or termination at the convenience of the contract. She said that due to the inability to issue any additional change orders of cost changes under the grant contract with the Texas Department of Agriculture, it was the City Staff's recommendation to terminate the contract by convenience to allow the remainder of the work to be re-bid and completed within the grant contract time. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2023-63**

A RESOLUTION OF THE WHARTON CITY COUNCIL TERMINATING THE AGREEMENT BETWEEN THE CITY OF WHARTON AND INSITUFORM TECHNOLOGIES, LLC FOR THE CONSTRUCTION OF WHARTON S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT.

WHEREAS, On February 14, 2022, the Wharton City Council approved Resolution No. 2022-13 authorizing a construction services agreement with Insituform Technologies, LLC for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project; and,

WHEREAS, In accordance with Section 9a of the agreement, the Wharton City Council wishes to authorize the City Manager of the City of Wharton to terminate 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 the City of Wharton City Manager to terminate the construction services agreement for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project with Insituform Technologies, LLC in accordance with Section 9a of the contract.

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

Passed, Approved, and Adopted this the 24th day of July 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 sixteenth item on the agenda was to review and consider Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project in the amount of \$93,707.31. After some discussion, Councilmember, Steve Schneider, moved to approve Pay Request No. 4 from C3 Constructors for the WWTP #1 Coarse Screen Project. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

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

- A. Planning Commission meeting held July 17, 2023.

After some discussion, no action was taken.

The twentieth 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. Fire Department.
- G. Fire Marshal.
- H. Legal Department.
- I. Municipal Court.

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

After some discussion, no action was taken.

Executive Session

1. City Council may adjourn into an Executive Session in accordance with Section 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. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 1. New Public Works Director.

Mayor, Tim Barker, moved the meeting into Closed Session at 7:39 p.m.

Return to Open Session

1. Action on items discussed in Executive Session:
 - A. Appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:
 1. New Public Works Director.

Mayor, Tim Barker, returned the meeting to Open Session at 7:47 p.m. Councilmember, Terry Freese, moved to affirm the appointment of Roderick Semien to the position of Public Works Director. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

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

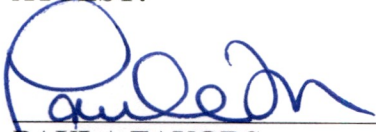
The meeting adjourned at 7:49 p.m.

CITY OF WHARTON, TEXAS

By: 

TIM BARKER
Mayor

ATTEST:



PAULA FAVORS
City Secretary

