

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
MARCH 11, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:01 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; Don Mueller; Burnell Neal; Larry Pittman, and Steve Schneider.

Councilmembers absent were: Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Planning and Development Director, Gwyn Teves, and EMS Director, Christy Gonzales.

Visitors present were: Ryan Salazar; Traci Myers; Louis Marshall; Dane B. Kappler; Desurac Matthews; Doris Teague; Louis Marshall; James Perez; Karen Vannerson; Richard Hill, Brandy Stacy with Linebarger Goggan Blair & Sampson, LLP Attorneys at Law; Sam Scinta, Jr. with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments.

City Attorney, Paul Webb, stated in the 28 years that he had been City Attorney he had never been asked to lunch by a City Councilmember until Councilmember, Larry Pittman, asked him!

Councilmember, Terry Freese, congratulated Planning and Development Director, Gwyn Teves, on receiving the first City of Wharton Employee of the Year from the Wharton Chamber of Commerce.

Mayor, Tim Barker, gave condolences to the family of Evelyn Rogers Cochran who passed away on Monday, March 11, 2024.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held February 12, 2024, and February 26, 2024. After some discussion, Councilmember, Terry Freese, moved to approve the reading of the minutes from the regular meetings held on February 12, 2024, and February 26, 2024. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Mrs. Teves stated the Planning Commission met on March 4, 2024, and recommended the item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Mrs. Teves stated the Planning Commission met on March 4, 2024, and recommended the item to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Ms. Desurae Matthews of SisterSista to hold their annual Springfest on March 31, 2024, and assistance for the following:

- A. Allow food vendors for the event.
- B. Waive any food vendor fees.
- C. Additional trash cans and liners.

Ms. Desurae Matthews of SisterSista presented her request to the City Council to hold their annual Springfest on March 31, 2024, at Pleasure Park and for City assistance. After some discussion, Councilmember, Terry Freese, moved to approve the request from Ms. Desurae Matthews of SisterSista to hold their annual Springfest on March 31, 2024, and for aforementioned items A. through C. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Ms. Traci Myers, Director of the WCJC Senior Citizens Program, to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion and assistance with the following:

- A. To post the event (WCJC 5K Stride and Stroll 2024) on the digital billboard on Highway 59 by La Casona/Walmart.

- B. Close part of Elm Street between Brietling Street and Fulton Street from 6:30 am to 12:00 pm.
- C. To use city-owned barricades for the street closures at Elm Street and Brietling Street, Elm Street and Resident Street, Elm Street and Rusk Street, and Elm Street and Fulton Street.
- D. To have 10 Trash barrels and extra liners provided.
- E. To waive all fees that may apply to this event.

Ms. Traci Myers, presented her request to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion. After some discussion, Councilmember, Larry Pittman, moved to approve the request from Ms. Traci Myers, Director of the WCJC Senior Citizens Program, to host a WCJC 5K Stride and Stroll on Saturday, March 23, 2024, at Riverfront Park Central Pavilion and assistance with aforementioned items A. through E. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. James Perez, President of the Wharton County Hispanic Chamber of Commerce, regarding a Cinco de Mayo Celebration on Saturday, May 4, 2024, and assistance for the following:

- A. Close Houston Street between Milam Street and Burleson Street on Saturday, May 4, 2024, from 8:00 a.m. to 12:00 a.m.
- B. Close Fulton Street between Milam Street and Burleson Street on Saturday, May 4, 2024, from 8:00 a.m. to 12:00 a.m.
- C. Waive the City of Wharton Noise Ordinance to allow DJ Music and live performances.
- D. Waive the City of Wharton Alcohol Ordinance to allow public alcohol consumption in the Monterey Square Area only.
- E. Waive all local permit fees.
- F. Provide two (2) generator lights for safety and clean up.
- G. Provide one (1) roll-off dumpster.
- H. Provide twelve (12) trash barrels and trash bags to help keep the Downtown Area clean.
- I. Provide barricades for the above-mentioned street closures.
- J. Provide access to the electrical breaker or outlets on Fulton Street.
- K. Advertise the celebration on the I-69 Digital Billboard.
- L. Provide financial or in-kind support to help offset the event's costs.

Mr. James Perez, President of the Wharton County Hispanic Chamber of Commerce, presented his request regarding a Cinco de Mayo Celebration on Saturday, May 4, 2024. Mr. Perez stated that he took his request to the Commissioner's Court for approval on February 26, 2024, for permission to hold the event on Monterey Square and to use the electrical breakers on Fulton Street as both belong to the County. He said the Commissioner's approved his request for those two items. After some discussion, Councilmember, Burnell Neal, moved to approve aforementioned items A., B., C., D., E., G., H., I., and K. 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 approving a lease agreement between the City of Wharton and Wharton Little League and

authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager, Joseph R. Pace, presented a copy of a draft Lease Agreement between the City of Wharton and Wharton Little League. City Manager Pace stated that this would be the first formal agreement that the City of Wharton has had with the Wharton Little League. He said the agreement lines out the responsibilities of both the City and Wharton Little League and is on a year-to-year basis until terminated by either party. After some discussion, Councilmember Terry Freese, moved to approve the City of Wharton Resolution No. 2024-26, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-26**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF WHARTON AND WHARTON LITTLE LEAGUE AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to approve a lease agreement with Wharton Little League and to enter into said agreement as per the requirements set forth in said agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute a lease agreement with Wharton Little League.

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

Section I. That the City Council hereby approves the lease agreement between the City of Wharton and Wharton Little League.

Section II. That the City Council of the City of Wharton hereby authorizes the Mayor of the City of Wharton to execute the lease agreement with Wharton Little League.

Section III. That the City of Wharton and Wharton Little League are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved, and Adopted this 11th of March 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 eighth item on the agenda was to review and consider a resolution of the City Council of the City of Wharton regarding Linebarger Goggan Blair & Sampson, LLP as being fully qualified as a special council to perform all legal services necessary to collect unpaid fines, fees, court costs, forfeited bonds, and restitution as provided in Texas code of criminal procedure, article 103.0031 and Section 2254.1036 of the Texas Government Code for collection of unpaid, fines, fees and court costs. City Secretary, Paula Favors, stated Linebarger Goggan Blair & Sampson, LLP collected delinquent fines and fees for the City of Wharton Municipal Court, and their contract with the City was set to expire on February 11, 2024. City Attorney, Paul Webb, stated he had reviewed the contract and was recommending that the City Council consider approving it. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-27, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-27**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS A SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION AS PROVIDED IN TEXAS CODE OF CRIMINAL PROCEDURE, ARTICLE 103.0031 AND SECTION 2254.1036 OF THE TEXAS GOVERNMENT CODE FOR COLLECTION OF UNPAID, FINES, FEES AND COURT COSTS.

WHEREAS, Providing adequate notice as required by Sec. 2254.1036 of the Texas Government Code, the consideration of a Contract for Fines and Fees Collection Services with Linebarger Goggan Blair & Sampson, LLP, and,

AFTER EXERCISING ITS DUE DILIGENCE, THE CITY OF WHARTON FINDS THAT:

1. There is a substantial need for legal services to be provided pursuant to the Contract for Fines and Fees Collection Services; and
2. These legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Wharton at a reasonable cost; and
3. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the collection fee authorized by the TX Code of Criminal Procedure Art. 103.0031 and because the City of Wharton does not

have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees; and

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

SECTION 1. This statement set out in the preamble to this Resolution is true and correct.

SECTION 2. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings, Texas Government Code, Chapter 551.

PASSED, APPROVED, and ADOPTED this 11th day of March 2024.

CITY OF WHARTON, TEXAS

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 the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits from Boundtree Medical for the Emergency Medical Services Department and authorizing the City Manager of the City of Wharton to execute all documents related to the said purchase. EMS Director, Christy Gonzales, presented a copy of a memorandum regarding purchasing four (4) Sapphire Multi-Therapy Infusion Pump Kits. EMS Director Gonzales stated the quote was in the amount of \$10,280.75, which included a one (1) year Premium Service Plan. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2024-28, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-28**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF FOUR (4) SAPPHIRE MULTI-THERAPY INFUSION PUMP KITS FROM BOUNDTREE MEDICAL FOR THE EMERGENCY MEDICAL SERVICES

DEPARTMENT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE SAID PURCHASE.

WHEREAS, The Emergency Medical Services Department is in need of four (4) Sapphire Multi-Therapy Infusion Pump Kits; and,

WHEREAS, The total cost of the Sapphire Multi-Therapy Infusion Pump Kits is \$10,280.75; and,

WHEREAS, The Wharton City Council wishes to approve the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits for the Emergency Medical Services Department in the amount of \$10,280.75; and,

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

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 City Manager to execute all documents related to the purchase of four (4) Sapphire Multi-Therapy Infusion Pump Kits for the Emergency Medical Services Department in the amount of \$10,280.75.

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

Passed, Approved, and Adopted this 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of Premises; Littering; Division 1. Generally, adding Sections 34-46.2 and 34-46.3 providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for separability and setting an effective date. Mayor, Tim Barker, requested the City Council consider updating Chapter 34 Health and Sanitation in the Code of Ordinances to add the following:

Sec. 34-46.2. Discarding yard waste onto street.

It shall be unlawful for any person to discard leaves, grass, weeds, or other vegetable matter by blowing, sweeping, or otherwise depositing said items into a street, Municipal Storm Sewer System, or into a drainage ditch of the City. Intentionally sweeping or blowing grass clippings into the streets or gutters is prohibited.

The Code Enforcement Department requested the following be added to the Ordinance as well:

Sec. 34-46.3 Mud or concrete deposits on paved streets from vehicles.

It shall be unlawful for any contractor, including any general contractor, to permit or allow any vehicle to enter upon a street from a building site or excavation without such contractor or such contractor's agent or employee first having removed from the wheels thereof all mud, clay or other earthen substance adhering thereto which otherwise might be dropped from or deposited by, such vehicle upon the surface of a public street or thoroughfare. For the purposes of this section, the term "general contractor" shall be that person, other than the owner of the premises constituting the construction site, to which the building permit for such construction was issued.

In addition, it shall be unlawful to permit or allow premixed concrete spillage from delivery vehicles to remain on a public street or thoroughfare.

After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2024-05, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2024-05**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 34 HEALTH AND SANITATION; ARTICLE II. CLEANLINESS AND SANITATION OF PREMISES; LITTERING; DIVISION 1. GENERALLY, ADDING SECTIONS 34-46.2 AND 34-46.3 PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEPARABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation; Article II. Cleanliness and Sanitation of Premises; Littering; Division 1. Generally Adding Section 34-46.2 and Section 34-46.3. Same Performance by City shall read as follows:

Sec. 34-46.2. Discarding yard waste onto street.

It shall be unlawful for any person to discard leaves, grass, weeds, or other vegetable matter by blowing, sweeping, or otherwise depositing said items into a street, Municipal Storm Sewer System, or into a drainage ditch of the City. Intentionally sweeping or blowing grass clippings into the streets or gutters is prohibited.

Sec. 34-46.3 Mud or concrete deposits on paved streets from vehicles.

It shall be unlawful for any contractor, including any general contractor, to permit or allow any vehicle to enter upon a street from a building site or excavation without such contractor or such contractor's agent or employee first having removed from the wheels thereof all mud, clay or other earthen substance adhering thereto which otherwise might be dropped from or deposited by, such vehicle upon the surface of a public street or thoroughfare. For the purposes of this section, the term "general contractor" shall be that person, other than the owner of the premises constituting the construction site, to which the building permit for such construction was issued.

In addition, it shall be unlawful to permit or allow premixed concrete spillage from delivery vehicles to remain on a public street or thoroughfare.

Penalty Clause

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

Severability

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is 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.

Effective Date

This Ordinance shall become effective on the 21st day of March 2024 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project (CSJ 0913-09-133) with the Texas Department of Transportation's Transportation Alternatives Program and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the City Council approved the submission of an application for the 2023 Transportation Alternatives Funding administered through the Texas Department of Transportation. Mrs. Teves said the City received notification that the project was selected for award and funding on November 3, 2023 and the City was required to enter into an Advance Funding Agreement to move forward with the program. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-29, which read as follows:

CITY OF WHARTON
RESOLUTION NO. 2024-29

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AN ADVANCED FUNDING AGREEMENT FOR THE CITY OF WHARTON SCHOOL & COMMUNITY CONNECTIVITY & ACCESSIBILITY PROJECT (CSJ 0913-09-133) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION'S TRANSPORTATION ALTERNATIVES PROGRAM AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council will consider an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project with the Texas Department of Transportation's Transportation Alternatives (TA) Program; and,

WHEREAS, The project will construct 3.5-miles of 5-foot-wide sidewalks from SH 60 (Milam Street) to FM 1301 (Boling Hwy). The sidewalks will be constructed along Alabama Street, N. Alabama Road, Boling Hwy (FM 1301), N. Fulton Street, and Park Lane. Additional elements include a new pedestrian bridge at the Santa Fe Trail and bicycle and pedestrian crossings at three major intersections for a total estimated cost of \$4,942,760 at a 100% maximum for preliminary engineering and construction due to Transportation Development Credits eligibility.

WHEREAS, The City of Wharton and Texas Department of Transportation wish to be bound by the conditions to be set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute said agreement.

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

Section I. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an Advanced Funding Agreement for the City of Wharton School & Community Connectivity & Accessibility Project with the Texas Department of Transportation's Transportation Alternatives (TA) Program.

Section II. The City of Wharton and the Texas Department of Transportation will hereby be bound by the conditions as set forth in the Advanced Funding Agreement.

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

PASSED, APPROVED AND ADOPTED this 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

Councilmember, Steve Schneider, 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 authorizing the submission of a response to TxDOT Wharton Area Office, Yoakum District, regarding the City's support to reduce the speed limit during construction for US 59 within the City of Wharton. Director of Planning & Development, Gwyn Teves, stated that on March 1, 2024, Mr. Ryan Simper, Area Engineer, Wharton Area Office of TxDOT, requested permission from the City to reduce the speed limit within the work zone on US 59 within the City Limits from 75 mph to 60 mph. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2024-30, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-30**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A RESPONSE TO TXDOT WHARTON AREA OFFICE, YOAKUM DISTRICT, REGARDING THE CITY'S SUPPORT TO REDUCE THE SPEED LIMIT DURING CONSTRUCTION FOR US 59 WITHIN THE CITY OF WHARTON.

WHEREAS, the Wharton City Staff was contacted by the Texas Department of Transportation (TxDOT) about the reduction in the speed limit within the City of Wharton during US 59 Construction; and,

WHEREAS, the City of Wharton City Council and Staff support that the speed should be reduced from 75 mph to 60 mph within the City Limits throughout the construction period; and,

WHEREAS, the Texas Department of Transportation (TxDOT) is requesting the City of Wharton submit a response of approval for the reduction.

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

Section I. The Wharton City Council hereby approves the submittal of a response to the Texas Department of Transportation (TxDOT) Wharton Area Office, Yoakum District supporting that the speed within the City Limits on US 59 in the construction area be reduced from 75 mph to 60 mph.

Section II. The Wharton City Council hereby authorizes the City Staff to submit the above-mentioned response on behalf of the City of Wharton.

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

PASSED, APPROVED, and ADOPTED this 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

Councilmember, Terry Freese, 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 approving Change Order No. 3 for a cost reduction at project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated the City Council awarded a contract for construction to C3 Constructors for the WWTP #1 Coarse Screen Replacement Project. Mrs. Teves said Pay Estimate No. 7 & FINAL had been sent, and there was a recommendation for payment by the engineer. She said as part of the closeout, Change Order No. 3 had been provided for a reduction in the total contract price of \$25,000, reducing the total contract price from \$489,642.00 to \$464,642.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-31, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-31**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 3 FOR A COST REDUCTION AT PROJECT CLOSEOUT WITH C3 CONSTRUCTORS, LLC, FOR THE WHARTON WASTEWATER TREATMENT PLANT #1 COARSE SCREEN IMPROVEMENT 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. 3 for the cost reduction of \$25,000 for project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement 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. 3 for cost reduction of \$25,000 for project closeout with C3 Constructors, LLC, for the Wharton Wastewater Treatment Plant #1 Coarse Screen Improvement 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 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER

Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project in the amount of \$27,032.10. After some discussion, Councilmember, Steve Schneider, moved to approve Pay Request No. 7 and Final from C3 Constructors, LLC for the WWTP #1 Coarse Screen Replacement Project in the amount of \$27,032.10. Councilmember, Don Mueller, 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 awarding a contract for the Titus Waterline Improvements Project 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 February 23, 2024, proposals were received for the Titus Waterline Improvements. Mrs. Teves said there were four (4) submissions, and they were as follows:

1. Capital Underground Utilities
2. Osorio & Sons Construction
3. JTM Construction
4. AR TurnKee Construction Company

She said Quiddity Engineering had reviewed the submitted proposals and was recommending the award of the contract to Capital Underground Utilities. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-32, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2024-32**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE TITUS WATERLINE IMPROVEMENTS PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Titus Waterline Improvement Project on February 23, 2024; and,

WHEREAS, Capital Underground Utilities, LLC, was deemed the best lowest qualified bidder for the base bid amount of \$145,000.00; and,

WHEREAS, The Wharton City Council wishes to award a contract to Capital Underground Utilities, LLC, for the base bid amount of \$145,000.00; and,

WHEREAS, The City of Wharton and Capital Underground Utilities, LLC, wish to be bound by the conditions as set forth in the agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the 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 Titus Waterline Improvement Project contract.

Section II. The City of Wharton and Capital Underground Utilities, LLC, 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 11th day of March 2024.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

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

A. Finance Committee meeting held February 26, 2024.

After some discussion, no action was taken.

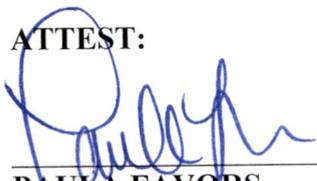
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Burnell Neal, seconded the motion. All voted in favor.

The meeting adjourned at 7:29 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

