

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
JUNE 27, 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. Adrayelle 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; City Attorney, Paul Webb; 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; Planning & Development Specialist, Krystal Hasselmeier; Public Works Director, Anthony Arcidiacono.

Visitors present were: Laura Clemons; David Bowlin; Adrayelle Watson; Nancy Mata; Director of Wharton Economic Development, Josh Owens; 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.

Mayor, Tim Barker, stated the City finally received some rain.

Review and Consider:

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

The second item on the agenda was to review and consider Utility Easement Agreements:

- A. Resolution: A resolution of the Wharton City Council accepting a Utility Easement Agreement between the City of Wharton and Russell J. Baird for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 3, 4, 5 & 6, of the Baird Subdivision and authorizing the Mayor of the City of Wharton to execute said agreement.
- B. Resolution: A resolution of the Wharton City Council accepting a Utility Easement Agreement between the City of Wharton and Justin D. & Kristina D. Crouch for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 1 & 2, of the Baird Subdivision and authorizing the Mayor of the City of Wharton to execute said agreement.

Director of Planning & Development, Gwyn Teves, stated Mr. Baird had been remodeling his buildings in downtown Wharton and had been working to revitalize them for the economic advantage of the downtown area. Mrs. Teves stated that during the process it was discovered that there was an existing sanitary sewer line behind the building without the proper easement and a new easement would be required for the new water line that needed to be installed. She said that in order for the utilities to be in the required and appropriate easement it was the recommendation to enter into an agreement with both Mr. Baird who owns Lots 3, 4, 5 & 6 and Mr. & Mrs. Crouch, who own Lots 1 & 2 for a 20' utility easement on their property. City Attorney, Paul Webb, stated he had reviewed the agreements and they met his approval. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-61 and 2022-62, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-61**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF WHARTON AND RUSSELL J. BAIRD FOR WILLIAM KINCHELOE LEAGUE, ABSTRACT NO. 38, WHARTON COUNTY, TEXAS, BLOCK 1, LOT 3, 4, 5 & 6, OF THE BAIRD SUBDIVISION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to enter into a Utility Easement Agreement with Russell J. Baird for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 3, 4, 5 & 6, of the Baird Subdivision; and,

WHEREAS, The City of Wharton and Russell J. Baird wish to be bound by the conditions as set forth in the said agreements; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Utility Easement Agreement with Russell J. Baird.

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 of the City of Wharton to execute the Utility Easement Agreement with Russell J. Baird for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 3, 4, 5 & 6, of the Baird Subdivision.

Section II. The City of Wharton and Russell J. Baird are hereby bound by the conditions as set forth in said agreement.

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

Passed, Approved, and Adopted this 27th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-62**

A RESOLUTION OF THE WHARTON CITY COUNCIL ACCEPTING A UTILITY EASEMENT AGREEMENT BETWEEN THE CITY OF WHARTON AND JUSTIN D. & KRISTINA D. CROUCH FOR WILLIAM KINCHELOE LEAGUE, ABSTRACT NO. 38, WHARTON COUNTY, TEXAS, BLOCK 1, LOT 1 & 2, OF THE BAIRD SUBDIVISION AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes to enter into a Utility Easement Agreement with Justin D. & Kristina D. Crouch for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 1 & 2, of the Baird Subdivision; and,

WHEREAS, The City of Wharton and Justin D. & Kristina D. Crouch wish to be bound by the conditions as set forth in the said agreements; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the Utility Easement Agreement with Justin D. & Kristina D. Crouch.

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 of the City of Wharton to execute the Utility Easement Agreement with Justin D. & Kristina D. Crouch for William Kincheloe League, Abstract No. 38, Wharton County, Texas, Block 1, Lot 1 & 2, of the Baird Subdivision.
- Section II.** The City of Wharton and Justin D. & Kristina D. Crouch are hereby bound by the conditions as set forth in said agreement.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 27th day of June 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 third item on the agenda was to review and consider the request from The Brooks at Caney Creek for sidewalk replacement on North Richmond Road. City Manager, Joseph R. Pace, stated Ms. Laura Clemons, brought the request for sidewalk replacement on North Richmond Road to the City Council on November 8, 2021, where the item was tabled for further information to be provided and brought back to the Council. City Manager, Pace, said the Council was provided a quote for the work that was provided by Muhlhausen Construction in the amount of \$4,942.00. He said the construction of the sidewalk replacement was discussed and it was decided that the City would be responsible to provide ADA compliant sidewalks and that the cost could be impacted and the request was denied by the City Council. Director of Planning and Development, Gwyn Teves, stated that at the same meeting the City Council did agree to allow the City Staff to install culverts at the City's cost once the developer purchased the culverts. Mrs. Teves said the City confirmed with TxDOT on Friday, May 13, 2022, that their Sidewalk Project had a let date of March 2025 for this area and TxDOT was proposing to have sidewalks on both sides of Richmond Road. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider the Wharton Economic Development Corporation Fiscal Year 2022-2023 Annual Budget. City Manager, Joseph R. Pace, presented a copy of the Wharton Economic Development Corporation Fiscal Year 2022-2023 Annual Budget. After some discussion, Councilmember, Russell Machann, moved to approve the Wharton Economic Development Corporation Fiscal Year 2022-2023 Annual Budget. Councilmember, Clifford Jackson, 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 approving an additional three (3) months on the MyGov, LLC Software for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Director of Planning & Development, Gwyn Teves, stated the City Council adopted the Wharton Recovery Plan associated with the implementation of City's ARPA – Coronavirus Local Fiscal Recovery Funds (CLFRF) on April 25, 2022 and as part of the plan, one of the approved items was the purchase of a GIS system. Mrs. Teves said upon starting the implementation process it was discovered that this would not allow the set up and implementation to begin until October 1, 2022, in order to maintain the contract on the City's fiscal calendar and it was the request of City Staff to approve an additional \$5,991.00, bringing the total expenditure to \$36,961.00 to begin the implementation July 1, 2022. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-63, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-63**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ADDITIONAL THREE (3) MONTHS ON THE MYGOV, LLC SOFTWARE FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, It is in the best interest of the City of Wharton Personnel and Citizens to purchase and install MyGov, LLC Software, which will allow for online permitting, electronic plan reviews, asset management, GIS/mapping and other modules; and,

WHEREAS, The Wharton City Council has designated the necessary funding for the purchase and installation of said software through the City's Recovery Plan utilizing the American Rescue Plan Act Funds; and,

WHEREAS, The Wharton City Council wishes to approve additional funding in the amount of \$5,991.00 for an additional three (3) months to the contract for a total price of \$36,961.00 to be used to purchase and install said software; and,

WHEREAS, The Wharton City Council wishes to purchase MyGov, LLC Software; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute any and all documents related to said software's purchase and installation.

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 the additional funding in the amount of \$5,991.00 for an additional three (3) months to the contract for a total price of \$36,961.00 to purchase and install MyGov, LLC Software.
- Section II.** That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said software's purchase and installation.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 27th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the submission of applications to the Texas Department of Emergency Management under the Hazard Mitigation Grant Program – Texas COVID-19 Pandemic DR-4485 on behalf of Wharton Independent School District, entering into a Memorandum of Understanding and authorizing the Mayor to execute all documents relating to said applications and Memorandum of Understanding. Director of Planning & Development, Gwyn Teves, stated the Wharton Independent School District (ISD) was requesting that the City of Wharton apply for the Hazard Mitigation Grant Program DR-4485 Texas COVID-19 Grant on behalf of the Wharton ISD as a subrecipient for two (2) applications. Mrs. Teves said the applications would be for mitigation retrofits and generators for their facilities and Wharton ISD would be responsible for any costs not

covered by the grant funds. After some discussion, Councilmember, Steve Schneider, moved to approve City of Wharton Resolution No. 2022-64, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-64**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT UNDER THE HAZARD MITIGATION GRANT PROGRAM – TEXAS COVID-19 PANDEMIC DR-4485 ON BEHALF OF WHARTON INDEPENDENT SCHOOL DISTRICT, ENTERING INTO A MEMORANDUM OF UNDERSTANDING AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO SAID APPLICATIONS AND MEMORANDUM OF UNDERSTANDING.

WHEREAS, On December 10, 2021, the United States President declared a major disaster (DR-4485) as a result of the Texas COVID-19 Pandemic which established the statewide availability of the Hazard Mitigation Grant Program (HMGP); and,

WHEREAS, The City of Wharton City Staff requests to issue applications for retrofits and generators on behalf of Wharton Independent School District under DR-4485 and is seeking City Council permission for the submission of the applications; and,

WHEREAS, The City of Wharton and Wharton Independent School District would execute a Memorandum of Understanding agreeing that the Wharton Independent School District would be responsible for all associated costs not covered by the grant; and,

WHEREAS, The City of Wharton and the Wharton Independent School District wish to be bound by the terms of the Memorandum of Understanding; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff submit the applications on behalf of Wharton Independent School District.

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

Section I: That the Wharton City Council hereby approves the City Staff to submit applications under the Texas Department of Emergency Management Hazard Mitigation Grant Program (DR-4485) Texas COVID-19 Pandemic on behalf of Wharton Independent School District.

Section II: That the City of Wharton and the Wharton Independent School District wish to be bound by the terms of the Memorandum of Understanding.

Section III. The Wharton City Council hereby authorizes the Mayor to execute all documents relating to the grant applications and execute the Memorandum of Understanding with the Wharton Independent School District.

Section IV: That this resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 27th day of June 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 seventh item on the agenda was to review a consider a resolution of the Wharton City Council ratifying a Facilities Extension Agreement with CenterPoint Energy for Utility Service on C.R. 222 for the Wharton Water Well Project and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the City of Wharton had been working with CenterPoint Energy to supply new service to water well being constructed on CR 222. Mrs. Teves said the addition of these facilities per CenterPoint Energy's estimate would be \$17,920.00 and the cost covers the installation of services outside the facilities extension agreement and overhead work was required. She said the City Council approved the easement to place utilities on June 13, 2022, and would have been presented these documents at the same time if received prior to submission of the easement documents, however, to not delay the installation of the utilities, the Facilities Extension Agreement and Rut Letter Agreement were executed at the time of the easement documentation and the City Staff was requesting that these documents be ratified. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-65, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-65**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING A FACILITIES EXTENSION AGREEMENT WITH CENTERPOINT ENERGY FOR UTILITY SERVICE ON C.R. 222 FOR THE WHARTON WATER WELL PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to ratify and authorize CenterPoint Energy to install electrical utilities on C.R. 222 for the Wharton Water Well Project; and,

WHEREAS, The Wharton City Council and CenterPoint Energy wishes to be bound by the terms and conditions as outlined in the agreement; and,

WHEREAS, The Wharton City Council wishes to ratify and approve the City Staff to remit payment to CenterPoint Energy in the amount of \$17,920.00 for the cost to install the services; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 ratifies and approves the Facilities Extension Agreement between the City of Wharton and CenterPoint Energy for the installation of electrical utilities on C.R. 222 for the Wharton Water Well Project.

Section II. The Wharton City Council hereby approves the City Staff to remit payment in the amount of \$17,920.00 to CenterPoint Energy to provide the service.

Section III. That the City of Wharton and CenterPoint Energy are hereby bound by the terms and conditions as set forth in the agreement.

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

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

Passed, Approved, and Adopted this 27th day of June 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving an Encroachment Agreement with W. A. Harrison Agriculture, LTD., for a fence encroachment on Tract 224 of the Wharton Levee Project; and authorizing the Mayor of the City of Wharton to execute said agreement. Director of Planning & Development, Gwyn Teves, stated the City of Wharton purchased property from W. A. Harrison Agriculture, LTD., for the Wharton Levee Project and due to the acquisition, a fence was having to be relocated between the new property lines. Mrs. Teves stated City Attorney Paul Webb and City Staff met with a representative of the property and discussed a small area of conflict where the new fence would be impeded by trees and several methods of remedy were discussed to allow for as little financial or time impacts as possible. She said it was determined that allowing a 4' fence encroachment at one location would make the transition more feasible. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-66, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-66**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN ENCROACHMENT AGREEMENT WITH W. A. HARRISON AGRICULTURE, LTD., FOR A FENCE ENCROACHMENT ON TRACT 224 OF THE WHARTON LEVEE PROJECT; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE SAID AGREEMENT.

WHEREAS, The Wharton City Council wishes approve an encroachment agreement with W. A. Harrison Agriculture, LTD., for a 4' fence encroachment on Tract 224 of the Wharton Levee Project, also known as: William Kincheloe Survey, Abstract 38 & Alexander Jackson Survey, Abstract 34; and,

WHEREAS, The City of Wharton and W. A. Harrison Agriculture, LTD., wish to be bound by the conditions as set forth in said agreement; and,

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

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

Section I. The Wharton City Council hereby approves an encroachment agreement with W. A. Harrison Agriculture, LTD., for a 4' fence encroachment on Tract 224 of the Wharton Levee Project, also known as: William Kincheloe Survey, Abstract 38 & Alexander Jackson Survey, Abstract 34.

Section II. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

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

Passed, Approved, and Adopted this 27th day of June 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 ninth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing and approving Change Order No. 2 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment – Hughes Street 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 Colorado River Flood Control Public Utility Abandonment-Hughes Street Change Order #2 from Arandas Industries for the addition of two (2) storm manholes due to existing conflict on current line. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-67, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-67**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND APPROVING CHANGE ORDER NO. 2 WITH ARANDAS INDUSTRIES FOR THE WHARTON COLORADO RIVER FLOOD CONTROL PUBLIC UTILITY ABANDONMENT – HUGHES STREET AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to authorize and approve Change Order No. 2 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment-Hughes Street; 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 approves Change Order No. 2 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment-Hughes Street.
- 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 27th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda to review and consider a resolution of the Wharton City Council authorizing and approving Change Order No. 3 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment – Hughes Street 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 Colorado River Flood Control Public Utility Abandonment-Hughes Street - Change Order #3 from Arandas Industries for the modification of repairs on an area that was originally designed for a 6” waterline. Mrs. Teves said that once construction crews were on location and began repairs it was discovered the existing lines were 8” lines and the change order was for the substitution of those items to the original scope. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-68, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-68**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND APPROVING CHANGE ORDER NO. 3 WITH ARANDAS INDUSTRIES FOR THE WHARTON COLORADO RIVER FLOOD CONTROL PUBLIC UTILITY ABANDONMENT – HUGHES ST AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.

WHEREAS, The Wharton City Council wishes to authorize and approve Change Order No. 3 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment-Hughes Street; 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 approves Change Order No. 3 with Arandas Industries for the Wharton Colorado River Flood Control Public Utility Abandonment-Hughes Street.

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 27th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 5 due to cost increases due to roof fan model changes with

E Contractors 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 #1 (General Construction), Change Order #5 from E-Contractors to increase costs for Contract #1 for the new water well in the amount of \$1,605.98 due to roof fan model change. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-69, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-69**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 5 DUE TO COST INCREASES DUE TO ROOF FAN MODEL CHANGE WITH E CONTRACTORS 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. 5 due to cost increases due to roof fan model change with E Contractors 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. 5 due to cost increases due to roof fan model change with E Contractors 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 27th day of June 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The twelfth item on the agenda was to review and consider Pay Request No. 5, from E-Contractors for the Wharton Well and Water Plant Contract No. 1-General Construction. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 5 from E-Contractors for the Wharton Well and Water Plant Contract No. 1 – General Construction in the amount of \$144,433.50. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 5, from E-Contractors for the Wharton Well and Water Plant Contract No. 1-General Construction. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Pay Request No. 5 and 5a, 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. 5 in the amount of \$58,330.00 and 5a in the amount of \$43,182.63, from Weisinger Inc. for the Wharton Well and Water Plant Contract No. 2 – Well Construction. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 5 and 5a, 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 fourteenth item on the agenda was to review and consider was a resolution of the Wharton City Council approving the dissolution of the City of Wharton Housing Finance Corporation; authorizing the preparation and execution of all documents necessary to dissolve the corporation; and authorizing the Mayor of the City of Wharton to execute all documents related to the dissolution. Director of Planning & Development, Gwyn Teves, stated the City Council, by resolution, created the Wharton Housing Finance Corporation on April 23, 2018, to assist with financing the cost of residential ownership and development that would provide decent safe and sanitary housing that are functionally related to any affordable housing project, at affordable prices for residents of the City. Mrs. Teves said the Corporation had not been able to provide any financial assistance to date and the City was pending development of three (3) affordable multifamily housing projects and several housing development projects coming into the City. She said it had been difficult to keep the members engaged and meetings have not been held regularly due to lack of items of business and the Corporation has had vacant positions for over a year that have not been able to be filled. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-70, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-70**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE DISSOLUTION OF THE CITY OF WHARTON HOUSING FINANCE CORPORATION; AUTHORIZING THE PREPARATION AND EXECUTION OF ALL DOCUMENTS NECESSARY TO DISSOLVE THE CORPORATION; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO THE DISSOLUTION.

WHEREAS, The Wharton City Council no longer sees a need for a City of Wharton Housing Finance Corporation in the City of Wharton; and,

WHEREAS, The Wharton City Council wishes to dissolve the City of Wharton Housing Finance Corporation as written in the Article of Incorporation; and,

WHEREAS, The Wharton City Council wishes to authorize the City Staff to prepare all documents necessary to effectively terminate the Corporation, including, but not limited to a certificate of termination; and,

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 dissolves the City of Wharton Housing Finance Corporation.

Section II. The Wharton City Council hereby authorizes the City Staff to prepare all documents necessary to effectively terminate the Corporation, including, but not limited to a certificate of termination.

Section III. All assets, if any, of the Corporation shall be distributed to the City of Wharton, Texas.

Section IV. The Wharton City Council authorizes the Mayor of the City of Wharton to execute all documents related to the dissolution of the Corporation.

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

Passed, Approved, and Adopted this 27th day of June 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 fifteenth item on the agenda was to review and consider an update of City of Wharton Grant Programs. City Manager, Joseph R. Pace, presented a copy of a memorandum from Director of Planning & Development, Gwyn Teves, providing an update on the City of Wharton Grant Programs. After some discussion, no action was taken.

The sixteenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated June 22, 2022, which stated the following:

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 construction award Completed May 27th and contract being finalized with the contractor. Demo and construction anticipated to start early August 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 May.

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 August pending delivery. 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 Jones & Carter Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion.

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 turn around 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 seventeenth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees.

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

City Manager, Joseph R. Pace, presented the following:

Appointments:

1. Wharton Regional Airport Board: Larry David, Jimmy Zissa and Glenn Erdelt (Re-Appointments).
2. Beautification Commission: Rachel Roberson (Re-Appointment) and Nancy Mata.
3. Building Standards Commission: Howard Singleton (Re-Appointment).
4. Electrical Board: Philip Hamlin and Milton Barbee (Re-Appointments).
5. Holiday Light Decorating Chairman: Mayor Tim Barker (Re-Appointment).
6. Mayor's Committee on People with Disabilities: Johnnie Gonzalez, Faye Evans and Rebekah Kirschke (Re-Appointments).
7. Health Officer: Dr. Jeff Gubbels (Re-Appointment).
8. Veterinarian: Dr. Cody Pohler (Re-Appointment).
9. Planning Commission: Adraylle Watson, Marshall Francis and Michael Wootton (Re-Appointments).
10. Plumbing and Mechanical Board: A.J. Rath (Re-Appointment).
11. Housing Finance Corporation:

Resignations:

1. Beautification Commission : Tammie Janik and Debbie Newlin.

Vacancies:

1. Beautification Commission: 1 vacancy.
2. Building Standards: 3 vacancies.
3. Planning Commission: 1 vacancy.
4. Plumbing and Mechanical Board: 2 vacancies.

After some discussion, Councilmember, Russell Machann, moved to approve the aforementioned items as presented. Councilmember, Terry Freese, seconded the motion.

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

- A. Finance Committee meeting held June 13, 2022.

After some discussion, no action was taken.

The nineteenth 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.

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 7:34 p.m.


Return to Open Session

1. Action on items discussed in Executive Session:
 - A. City Managers Evaluation.

Mayor, Tim Barker, returned the meeting to Open Session at 7:56 p.m. Mayor Barker stated information only was received.

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 7:56 p.m.

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary