

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 14, 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. Councilmember, Clifford Jackson, led the opening devotion and Mayor, Tim Barker, led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker and Councilmembers, Terry Freese; Clifford Jackson; Larry Pittman; Russell Machann and Steve Schneider.

Councilmember absent was: Don Mueller.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Lieutenant, Ariel Soltura; EMS Director, Christy Gonzales; Assistant to the Building Official, Claudia Velasquez and Finance Account, London Davis.

Visitors present were: Karen Vannerson and Richard Hill with Linebarger Goggan Blair and Sampson, Wharton Economic Development Director, Josh Owens and Joe Southern with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Terry Freese. 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.**

City Manager, Joseph R. Pace, congratulated the Houston Astros on winning the World Series.

**Review and Consider:**

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held October 10, 2022 and October 24, 2022. After some discussion, Councilmember, Clifford Jackson, moved to approve the minutes from the regular meetings held October 10, 2022 and October 24, 2022. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Linebarger Goggan Blair & Sampson, for collection services of delinquent emergency medical services accounts and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. EMS Director, Christy Gonzales, stated the City Staff met with Linebarger Goggan Blair & Sampson, to discuss the City of Wharton's delinquent emergency medical services accounts. EMS Director Gonzales presented a copy of the draft agreement between the City of Wharton and Linebarger Goggan Blair & Sampson, for collection services of delinquent emergency medical services accounts. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-118, which read as follows:

**CITY OF WHARTON  
RESOLUTION 2022-118**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS REGARDING LINEBARGER GOGGAN BLAIR & SAMPSON, LLP AS BEING FULLY QUALIFIED AS SPECIAL COUNCIL TO PERFORM ALL LEGAL SERVICES NECESSARY TO COLLECT UNPAID DELINQUENT EMERGENCY SERVICES ACCOUNTS.**

**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 the 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, 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

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

**SECTION 1.** This statement set out in the preamble to this Resolution are 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 AND APPROVED this 14<sup>th</sup> day of November 2022.**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**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 a resolution of the Wharton City Council approving a contract between the City of Wharton and Triple C Services, LLC., for grease trap inspections and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Assistant to the Building Official, Claudia Velasquez, stated the contract for grease trap inspection services with Triple C Services, LLC., had expired and the Code Enforcement Department had received a new agreement to be effective November 1, 2022, with an automatic annual renewal and a 90-day termination notice by the City, if necessary. Mrs. Velasquez said that in the event of a rate modification, the City would be notified in writing prior to the adjustments. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-119, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-119**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT BETWEEN THE CITY OF WHARTON AND TRIPLE C SERVICES, LLC., FOR GREASE TRAP INSPECTIONS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to engage the services of Triple C Services, LLC., to provide grease trap inspections; and,

**WHEREAS,** Triple C Services, LLC., wishes to provide said services for the City of Wharton; and,

**WHEREAS,** The City of Wharton and Triple C Services, LLC., wishes to be bound by the conditions of said Grease Trap Inspection Contract; 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 of the City of Wharton to execute the Grease Trap Inspection Contract with Triple C Services, LLC., for the City of Wharton.

**Section II.** The City of Wharton and of Triple C Services, 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 14<sup>th</sup> day of November 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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

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

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the re-stripping of North Alabama Road from Milam Street to Ahldag Street and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. Public Works Director, Anthony Arcidiacono, presented a copy of an aerial of the 1.4-mile section of North Alabama Road from Milam Street to Ahldag Street. Mr. Arcidiacono stated that several complaints stating the existing striping was no longer visible and had become a safety concern in the evening/night hours had been received. He said the following quotes were received:

1. Stripes & Stops Co., Inc.: \$12,014.00
2. Batterson, LLP: \$16,075.00
3. Pavement Marking, LLC (PMI): No Response

After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-120, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-120**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE RE-STRIPING OF NORTH ALABAMA ROAD FROM MILAM STREET TO AHLDAG STREET AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.**

**WHEREAS,** proposals were received for the re-striping of North Alabama Road from Milam Street to Ahldag Street; and,

**WHEREAS,** Stripes & Stops Co., Inc., was deemed the best lowest qualified bidder in the amount of \$12,014.00; and,

**WHEREAS,** the Wharton City Council wishes to award a contract to Stripes & Stops Co., Inc., for the re-striping of North Alabama Road from Milam Street to Ahldag Street of in the amount of \$12,014.00; and,

**WHEREAS,** the City of Wharton and Stripes & Stops Co., Inc., wish to be bound by the conditions as set forth in the agreement; and,

**WHEREAS,** the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the 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 authorizes the Mayor of the City of Wharton, Texas, to execute a contract for the re-striping of North Alabama Road from Milam Street to Ahldag Street to Stripes & Stops Co., Inc., in the amount of \$12,014.00.

**Section II.** The City of Wharton and Stripes & Stops Co., Inc., are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this 14th day of November 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 fifth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a drone for the Wharton Police Department through the Wharton County 100 Club and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Lt. Ariel Soltura stated the Wharton Police Department was building a Drone Program for the Department, which would utilize drones in the investigation of human smuggling, missing persons, crime scenes and vehicle crashes, along with an infinite number of other law enforcement uses. Lt. Soltura said the purchase of a drone was funded through the Wharton County 100 Club in the amount of \$7,737.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-121, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-121**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A DRONE FOR THE WHARTON POLICE DEPARTMENT THROUGH THE WHARTON COUNTY 100 CLUB AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.**

**WHEREAS,** The Wharton City Council authorizes the purchase of a drone for the Wharton Police Department through the Wharton County 100 Club in the amount of \$7,737.00; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to purchase said drone; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager to execute the agreement related to the purchase of the drone.

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

**SECTION I.** The Wharton City Council hereby authorizes the City Manager to purchase a drone for the Wharton Police Department through the Wharton County 100 Club in the

amount of \$7,737.00.

**SECTION II.** The Wharton City Council hereby authorizes the City Manager to execute the agreement related to the purchase of the drone.

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

**PASSED AND APPROVED** this 14th day of November 2022.

**CITY OF WHARTON**

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**TIM BARKER**  
Mayor

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The sixth item on the agenda was to review and consider a U.S. 59/I-69 Upgrade Continuous Lighting Agreement with the Texas Department of Transportation (TxDOT). Director of Planning & Development, Gwyn Teves, stated the TxDOT Staff in the Yoakum District Office had been in contact with the City in reference to entering into a Continuous Lighting Agreement for lighting to be constructed on I-69 during the construction upgrades. Mrs. Teves said TxDOT was requesting that the City provide power and maintain the lighting that is to be installed from south of JM Eagle to just north of the future F.M. 1301 interchange. She said the Finance Committee met on Monday, November 14, 2022, and were recommending the City Council consider approving the agreement. After some discussion, Councilmember, Russell Machann, moved to approve a U.S. 59/I-69 Upgrade Continuous Lighting Agreement with the Texas Department of Transportation (TxDOT). Councilmember, Terry Freese, second the motion. All voted in favor.

The seventh item on the agenda was to review a consider a resolution of the Wharton City Council authorizing the City Staff to issue Requests for Proposals (RFP) for qualified firms and establishing a consultant selection committee and developing evaluation criteria for the selection of qualified firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666. Director of Planning & Development, Gwyn Teves, stated that as part of the City of Wharton Recovery Plan the City Council authorized funding to prepare a Downtown Master Plan. Mrs. Teves said the City Staff was requesting that the City Council authorize the City Staff to issue requests for proposals (RFP) for firms and services to prepare this Master Plan that was funded

through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666 and establish a consultant selection committee to review the RFP's submitted for the program. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-122, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-122**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE CITY STAFF TO ISSUE REQUESTS FOR PROPOSALS (RFP) FOR QUALIFIED FIRMS AND ESTABLISHING A CONSULTANT SELECTION COMMITTEE AND DEVELOPING EVALUATION CRITERIA FOR THE SELECTION OF QUALIFIED FIRMS FOR THE DOWNTOWN MASTER PLAN FUNDED THROUGH THE CITY OF WHARTON AMERICAN RESCUE PLAN ACT – FEDERAL CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA-CLRF), TX1666.**

**WHEREAS,** The Wharton City Council wishes to authorize the City Staff to issue Requests for Proposals (RFP) for Qualified Firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666; and,

**WHEREAS,** The Wharton City Council wishes to establish a Consultant Selection Committee for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666 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 Economic Development Committee along with the Assistant City Manager, 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.

**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 Qualified Firms for the Downtown Master Plan funded through the City of Wharton American Rescue Plan Act – Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLRF), TX1666.

**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 Economic Development Committee along with the Assistant City Manager, Finance Director, and the Director of Planning & Development.

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

**Passed, Approved, and Adopted** this 14th day of November 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 1, for additional contract time and increased costs with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen 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 WWTP #1 Coarse Screen, Change Order No. 1 from C3 Constructors, LLC for additional time to the contract in the amount of 56 calendar days and \$11,987.00 for design change on the coarse screen to modify the discharge chute which was not originally in the scope. Mrs. Teves stated this would move the contract completion date to October 10, 2022, and cost to \$449,987.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-123, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-123**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 1, FOR ADDITIONAL CONTRACT TIME AND INCREASED COSTS WITH C3 CONSTRUCTORS, LLC FOR THE WHARTON WWTP#1 COARSE SCREEN 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 additional contract time and increased costs in the amount of \$11,987.00 with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen 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 56 additional days and increased costs in the amount of \$11,987.00 with C3 Constructors, LLC for the Wharton WWTP #1 Coarse Screen 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 14<sup>th</sup> day of November 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 ratifying and approving Change Order No. 1 for additional costs with HTI Construction for the Armstrong Street Waterline Improvement Project and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated that on June 13, 2022, the Wharton City Council agreed to enter into an Infrastructure Improvement Agreement with the Wharton Economic Development Corporation for the waterline on Armstrong Street for the new construction of the Alamo Lumber Company. Mrs. Teves said the agreement was to reimburse costs not to exceed \$198,000.00 for the improvement and the contract for construction was awarded to HTI Construction on September 26, 2022. She said the

construction had been progressing on the Alamo Lumber Project and the utility work began mid October but once work started it was discovered that the line accounted for in the design plans did not extend to the location in the plans. Mrs. Teves stated in order to not delay work the Change Order for additional work to add an addition 120' of water line and the repairs of the roadway to loop the system as originally intended putting the construction contract over the original \$198,000.00 approved by the Wharton Economic Development Corporation and the additional will be covered out of the City funds as this is an improvement to the entire City System. She said the Change Order was for an increase in the amount of \$28,900.00 resulting in a contract amount of \$204,303.00. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-124, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-124**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 1 FOR ADDITIONAL COSTS WITH HTI CONSTRUCTION FOR THE ARMSTRONG STREET WATERLINE 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. 1, for an increase in the amount of \$28,900.00 for the addition 120' of waterline; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the ratification and approval of Change Order # 1 on behalf of the City of Wharton.

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

**Section I.** The Wharton City Council hereby ratifies and approves Change Order No. 1 in the amount of \$28,900.00 for HTI Construction.

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

**Passed, Approved, and Adopted** this 14<sup>th</sup> day of November 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The tenth item on the agenda to review and consider resolution of the Wharton City Council approving a contract for administration 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 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 approved the establishment of a Consultant Selection Committee on September 26, 2022, and authorized the City Staff to go out for administration services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). Mrs. Teves said proposals were received at City Hall on November 2, 2022 from the following:

1. CSRS, LLC
2. GrantWorks, Inc
3. MPACT Strategic Consulting
4. Public Management

She said the Public Works Committee met on Monday, November 14, 2022, to score the proposals and were recommending the City Council consider approving MPACT Strategic Consulting. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2022-125, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-125**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ADMINISTRATION 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 AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between the City of Wharton and MPACT for administration 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 City of Wharton and MPACT wishes to be bound by the conditions as set forth in the agreement.

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

**Section I.** The Wharton City Council hereby approves a contract between the City of Wharton and MPACT for administration 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.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

**Section III.** The City of Wharton and MPACT are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 14<sup>th</sup> day of November 2022.

**CITY OF WHARTON**

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

**ATTEST:**

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

Councilmember, Clifford Jackson, 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 a contract for engineering services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO) and 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 approved the establishment of a Consultant Selection Committee on September 26, 2022, and authorized the City Staff to go out for engineering services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO). Mrs. Teves said the proposals were received at City Hall on November 2, 2022 from the following:

1. Amani Engineering
2. Baker & Lawson, Inc.
3. Centerline Engineering
4. Gunda Corp. an Ardurra Co.
5. John D. Mercer & Assoc.
6. Kaluza, Inc.
7. KSA Engineering
8. LJA Engineering
9. Quiddity Engineering 1
0. Scheibe Consulting
11. Urban Engineering
12. Walter P. Moore

She said the Finance Committee will meet on Monday, November 14, 2022, to score the proposals and were recommending the City Council consider approving Gunda Corp. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-126, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-126**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A CONTRACT FOR ENGINEERING SERVICES FOR THE REGIONAL COUNCIL OF GOVERNMENTS METHOD OF DISTRIBUTION (COG-MOD) PROGRAM(S) FUNDED AND ADMINISTERED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** The Wharton City Council wishes to approve a contract between the City of Wharton and Gunda for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO); and,

**WHEREAS,** The City of Wharton and Gunda wishes to be bound by the conditions as set forth in the agreement.

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

**Section I.** The Wharton City Council hereby approves a contract between the City of Wharton and Gunda for Engineering Services for the Regional Council of Governments Method of Distribution (COG-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).

**Section II.** The Wharton City Council hereby approves to authorize the Mayor of the City of Wharton to execute the agreement.

**Section III.** The City of Wharton and Gunda are hereby bound by the conditions as set forth in the agreement.

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

**Passed, Approved, and Adopted** this the 14<sup>th</sup> day of November 2022.

**CITY OF WHARTON**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

Councilmember, Clifford Jackson, seconded the motion.

The twelfth item on the agenda was to review and consider Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision in the amount of \$46,050.00. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 1 and Final from Ram Rod Utilities, LLC for the waterline improvements for Baird Subdivision in the amount of \$46,050.00. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 City of Wharton Critical Facility Generators. Mrs. Teves stated Pay Estimate No. 1 was in the amount of \$45,000.00 and Pay Estimate No. 2 was in the amount of \$184,500.00. After some discussion, Councilmember, Russell Machann, moved to approve Pay Request No. 1 & 2 from CR McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$45,000.00 for Pay Estimate No. 1 and Pay Estimate No. 2 in the amount of \$184,500.00. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$19,000.00. After some discussion,

Councilmember, Clifford Jackson, moved to approve Pay Request No. 1 from C3 Constructors, LLC for the WWTP #1 Coarse Screen Project in the amount of \$19,000.00. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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

- A. Public Works Committee meeting held October 24, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:31 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

**ATTEST:**

  
**PAULA FAVORS**  
City Secretary

