

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
APRIL 11, 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, Don Mueller, led the opening devotion and Mayor, Tim Barker led the pledge of allegiance.

Councilmember's present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Alice Heard-Roberts; Steve Schneider; Russell Machann; and Don Mueller.

Councilmember absent was: Clifford Jackson.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves and Planning & Development Specialist, Krystal Hasselmeier.

Visitors present were: Linda King; Carl King; Stephanie Konvicka and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

After some discussion, Councilmember, Russell Machann, moved to excuse Councilmember, Clifford Jackson. Councilmember, Terry Freese, 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, stated Department Heads and their second in charge, participated in Team Building training which was successful.

Proclamation

Proclamation: Recognizing April as Fair Housing Month was presented by ,Mayor, Tim Barker, as follows:

**CITY OF WHARTON
OFFICE OF THE MAYOR
PROCLAMATION**

WHEREAS, Title VII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it is a national policy to provide, within constitutional limits, for fair housing in the United States; and,

WHEREAS, The principal of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and,

WHEREAS, The anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE BE IT RESOLVED, I, Tim Barker, by the authority vested in me as Mayor of the City of Wharton, Texas do hereby proclaim:

The Month of April as
“Fair Housing Month”

in the City of Wharton and hereby urge all the citizens of this locality to become aware of and support the Fair Housing Law.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 1st day of April in the year of our Lord two thousand twenty-two A. D.

Review and Consider:

The first item on the agenda was to review and consider reading of the minutes from the regular meetings held March 14, 2022 and March 28, 2022. City Manager, Joseph R. Pace, presented a copy of the minutes from the regular meetings held March 14, 2022, and March 28, 2022. After some discussion, Councilmember, Russell Machann moved to approve the minutes from the regular meetings held March 14, 2022, and March 28, 2022. Councilmember, Terry Freese, seconded the motion. All voted in favor

The second item on the agenda was to review and consider a request by Ms. Gwyneth Teves for annexation of eight (8) parcels. Director of Planning and Development, Gwyn Teves, requested the City Council consider annexation of properties owned by the City for the FM 1301 Expansion. The properties were as follows:

1. 17.31 acres or 753,916 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34 and the William Kincheloe League, Abstract No. 38, Wharton County, Texas
2. 2.931 acres or 127,671 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
3. 2.950 acres or 128,519 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
4. 0.9058 acres or 39,456 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas

5. 0.2055 acres or 8,952 square feet of land, situated in the Alexander Jackson Timber League, Abstract No. 34, Wharton County, Texas
6. 5.495 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
7. 3.686 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas
8. 3.852 acre tract of land situated in the Alexander Jackson Timber League, Abstract No. 34 in Wharton County, Texas

After some discussion, Councilmember, Russell Machann moved to approve the request by Ms. Gwyneth Teves for annexation of the afore mentioned eight (8) parcels. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request for Variance for Temporary Placement of Travel Trailer for Temporary Housing for 223 Linn Street. City Secretary, Paula Favors, stated the item would be pulled from the agenda.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council awarding a contract for the construction of Wharton S. East Avenue Sanitary Sewer Rehabilitation Project, Phase 2 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Planning & Development Specialist, Krystal Hasselmeier stated that on April 5, 2022, bids were received for the Wharton S. East Avenue Sanitary Sewer Rehabilitation project, Phase 2. Ms. Hasselmeier said there were 4 bids submitted for this construction project and they were as follows:

1. Texas Pride Utilities, LLC
2. T Gray Utilities AIMS, LLC
3. PM Construction & Rehab, LLC
4. Insituform Technologies, LLC

She said the recommendation from Jones & Carter for the Wharton S. East Avenue Sanitary Sewer Rehabilitation project, Phase 2 was for the City Council to consider awarding the contract to Texas Pride Utilities, LLC. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2022-37, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-37**

A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF WHARTON S. EAST AVENUE SANITARY SEWER REHABILITATION PROJECT, PHASE 2 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, Proposals were received for the Wharton S. East Avenue Sanitary Sewer Rehabilitation project, Phase 2 on April 5th, 2022; and,

WHEREAS, Texas Pride Utilities, LLC was deemed the best lowest qualified bidder for the base bid amount of \$90,700.00; and,

WHEREAS, The Wharton City Council wishes to award a contract Texas Pride Utilities, LLC base bid amount of \$90,700.00; and,

WHEREAS, The City of Wharton and Texas Pride 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 S. East Avenue Sanitary Sewer Rehabilitation project, Phase 2 contract.

Section II. The City of Wharton and Texas Pride 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 April 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 fifth item on the agenda was to review and consider a request by New Diamond Investments LLC at Wm. Kincheloe, Block 64F1 for a replat. City Manager, Joseph R. Pace, presented a copy of a request by New Diamond Investments LLC at Wm. Kincheloe, Block 64F1 for a replat.

Director of Planning & Development, Gwyn Teves, stated the Planning Commission met on April 4, 2022 and voted to recommend the City Council for consider approving the item. After some discussion, Councilmember, Russell Machann moved to approve the request by New Diamond Investments LLC at Wm. Kincheloe, Block 64F1 for a replat. Councilmember, Alice Heard-Roberts, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce for the following for the 13th Annual Wharton Citywide Garage Sale on Friday, June 3, 2022 and Saturday, June 4, 2022.

- A. The use of City Hall Parking Lot (north side of Caney Street).
- B. Placement of two trash cans with trash bags at the City Hall Parking Lot.
- C. Allow placement of necessary signage as long as it is not placed in the right-of-way.

City Manager, Joseph R. Pace, presented a copy of the request from Mr. Ron Sanders for the above mentioned for the Citywide Garage Sale on Friday, June 3, 2022 and Saturday, June 4, 2022. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve the request from Mr. Ron Sanders, for the 13th Annual Wharton Citywide Garage Sale and afore mentioned items A. through C. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider Pay Request No. 4 from Weisinger, Inc., for the Wharton Well and Water Plant Contract No. 2-Well Construction. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 4 from Weisinger, Inc., for the Wharton Well and Water Plant Contract No. 2-Well Construction in the amount of \$135,660.00. Director of Planning & Development, Gwyn Teves, stated City Staff was recommending the City Council consider approving the request. After some discussion, Councilmember, Russell Machann moved to approve Pay Request No. 4 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 eighth item on the agenda was to review and consider Pay Request No. 2 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. City Manager, Joseph R. Pace, presented a copy of Pay Request No. 2 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$117,776.13. Director of Planning & Development, Gwyn Teves, stated it was the recommendation of City Staff for the City Council to consider approving the request. After some discussion, Councilmember, Alice Heard-Roberts, moved to approve Pay Request No. 2 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. Councilmember, Russell Machann, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider appointments and resignations to the City of Wharton Boards, Commissions and Committees. After some discussion, no action was taken.

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

A. Parks & Recreation Committee meeting held March 28, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:09 p.m.

CITY OF WHARTON, TEXAS

By: _____

Tim Barker
TIM BARKER

Mayor

ATTEST:

Paula Favors

PAULA FAVORS

City Secretary

