

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL MEETING  
JULY 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. Adraylle 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; Clifford Jackson; Russell Machann; Don Mueller, and Steve Schneider.

Councilmember absent was: Larry Pittman.

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; and Police Chief, Terry David Lynch.

Visitors present were: Adraylle Watson; Eric Muegge; David Schroeder; Russ Baird; and Joe Southern with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

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

**Wharton Moment.**

No comments were made.

**Public Comments.**

Mayor, Tim Barker, called for Public Comments.

1. Mr. Eric Muegge stated that he represented the Lake Net subdivision group and presented a copy of a petition of support from property owners in regard to the drainage project between Wharton County and the City of Wharton to relieve drainage issues in the subdivision.

The first item on the agenda was to review and consider a request by Ms. Valerie Jefferson for Approval of an Extension to the Variance for Temporary Placement of a Travel Trailer for Temporary Housing at 212 East Dahlgren Avenue. Director of Planning & Development, Gwyn Teves, stated Ms. Jefferson was granted a temporary variance of Chapter 38-Manufactured

Housing, Mobile Homes, and Travel Trailers; Article II-Requirements Concerning Mobile Homes, Manufactured Housing and Travel Trailers; Division 3-Recreational Vehicles of 1-year on May 24, 2021, allowing her to place and live in a Travel Trailer at 212 East Dahlgren Avenue while constructing a new home. Mrs. Teves said Ms. Jefferson was requesting an 8-month extension of the variance while completing the construction of her home, which would expire on January 24, 2023. She said Ms. Jefferson had been progressing with her construction and had been getting regular inspections for her construction. After some discussion, Councilmember, Terry Freese, moved to approve the request by Ms. Valerie Jefferson for Approval of an Extension to the Variance for Temporary Placement of a Travel Trailer for Temporary Housing at 212 East Dahlgren Avenue with an expiration date of January 24, 2023. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a resolution approving a Water Utility Service Agreement between the City of Wharton and Russell J. Baird for water line improvements located at Baird Subdivision, Block 1, lots 1, 2, 3, 4, 5 & 6, Wharton, Texas, and authorizing the Mayor of the City of Wharton to execute all documents related to 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 said Mr. Baird had been working with the City Staff to extend independent water service to each building and at the meeting on June 27, 2022, easements were established for utilities, and he was now requesting to work with the City to extend the water service behind the buildings and enter into a Water Utility Service Agreement for the City to bid out services to install the water utilities. She said the bids provided to Public Works Director, Anthony Arcidiacono, had both come in just under \$40,000 but contractors would not guarantee bids longer than seven (7) days due to the changes in the market. Mrs. Teves stated Mr. Baird and staff were recommending the agreement be set at \$40,000 and if the work was completed for less, he would be reimbursed the remaining funds, or if the bids come in higher, Mr. Baird would be informed, and an amendment may be required. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-71, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-71**

**A RESOLUTION APPROVING A WATER UTILITY SERVICE AGREEMENT BETWEEN THE CITY OF WHARTON AND RUSSELL J. BAIRD FOR WATER LINE IMPROVEMENTS LOCATED AT BAIRD SUBDIVISION, BLOCK 1, LOTS 1, 2, 3, 4, 5 & 6, WHARTON, TEXAS, AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to enter into an agreement with Russell J. Baird for water improvements located at Baird Subdivision, Block, 1, Lots 1, 2, 3, 4, 5 & 6, Wharton, Texas; and,

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

**WHEREAS,** The City of Wharton and Russell J. Baird 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.** That the City Council of the City of Wharton hereby approves the agreement between the City of Wharton and Russell J. Baird for water improvements located at Baird Subdivision, Block 1, Lots 1, 2, 3, 4, 5 & 6, Wharton, Texas.

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

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

**Passed, Approved, and Adopted** this 11<sup>th</sup> day of July 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**

City Secretary

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

The third item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 2, Administration, Article V, Division 2, Beautification City Commission, Section 2-122. Director of Planning & Development, Gwyn Teves, stated the City of Wharton's Beautification Commission was requesting the adoption and approval on revisions to the City of Wharton Code of Ordinances, Chapter 2, Article V, Division 2, Section 2-122-Membership as follows due to the dissolution of the Wharton Downtown Business Association:

- Section 2-122. Revising (a)

After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Ordinance No. 2022-10, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2022-10**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE V, DIVISION 2, BEAUTIFICATION CITY COMMISSION, SECTION 2-122.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas, that Chapter 2, Administration, Article V, Division 2, Beautification City Commission, Section 2-122 be amended to read as follows: Sec. 2-122. - Membership.

- (a) The beautification city commission shall be comprised of seven members to be appointed by the city council and shall be residents of the city or shall have businesses in the city. One of the seven members of the commission shall be recommended for appointment to the city council by the Wharton Chamber of Commerce (one member).
- (b) Members of the commission shall serve for two-year staggered terms.

**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.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 11<sup>th</sup> day of July 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**

City Secretary

**APPROVED AS TO FORM:**

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**PAUL WEBB**

City Attorney

Councilmember, Terry Freese, 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 Construction of Wastewater Treatment Plant No. 1 Headworks Coarse Screen Replacement City of Wharton American Rescue Plan Act - Federal Coronavirus Local Fiscal Recovery Fund (APA-CLFRF), TX1666 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 June 30, 2022, proposals were received for the Construction of Wastewater Treatment Plant No. 1 Headworks Coarse Screen Replacement. Mrs. Teves said proposals were received from three companies as follows:

1. B-5 Construction Co.
2. C3 Constructors, LLC
3. Matula & Matula Construction, Inc.

She said Quiddity Engineering had reviewed the submitted proposals and had provided a recommendation of award to award the contract to C3 Constructors, LLC in the amount of \$438,000.00 for the base bid and a substantial completion time of 330 calendar days. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-72, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2022-72**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT FOR THE CONSTRUCTION OF WASTEWATER TREATMENT PLANT NO. 1 HEADWORKS COARSE SCREEN REPLACEMENT CITY OF WHARTON AMERICAN RESCUE PLAN ACT - FEDERAL CORONAVIRUS LOCAL FISCAL RECOVERY FUND (ARPA-CLFRF), TX1666 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.**

**WHEREAS,** Proposals were received for the Construction of Wastewater Treatment Plant No. 1 Headworks Coarse Screen Replacement City of Wharton American Rescue Plan Act - Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLFRF), TX1666, on June 30, 2022; and,

**WHEREAS,** C3 Constructors, LLC, was deemed the best lowest qualified bidder for the base bid amount of \$438,000.00; and,

**WHEREAS,** The Wharton City Council wishes to award a contract to C3 Constructors, LLC, for the base bid amount of \$438,000.00; and,

**WHEREAS,** The City of Wharton and C3 Constructors, 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 Construction of Wastewater Treatment Plant No. 1 Headworks Coarse Screen Replacement City of Wharton American Rescue Plan Act - Federal Coronavirus Local Fiscal Recovery Fund (ARPA-CLFRF), TX1666 contract.

**Section II.** The City of Wharton and C3 Constructors, 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 11<sup>th</sup> day of July 2022.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**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 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.

**Executive Session**

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 Baker moved the meeting into Executive Session at 7:16 p.m.

**Return to Open Session**

Action on items discussed in Executive Session:

- A. City Managers Evaluation.

Mayor Tim Barker returned the meeting back into Open Session at 7:20 p.m.

Councilmember, Russell Machann, moved to increase City Manager, Joseph R. Pace's, salary by \$10,000 a year effective July 1st, 2022. Councilmember, Terry Freese, seconded the motion. All voted in favor.

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 7:22 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*  
TIM BARKER  
Mayor

ATTEST:

*Paula Favors*  
PAULA FAVORS  
City Secretary

