

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
SEPTEMBER 12, 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; Don Mueller; Clifford Jackson; Larry Pittman and Steve Schneider.

Councilmember absent was: Russell Machann.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; City 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; Police Chief, Terry David Lynch; EMS Director, Christy Gonzales and Public Works Director, Anthony Arcidiacono.

Visitors present were: Ken Schott with Waterstone Development Group; Ron Sanders, Executive Director of the Wharton Chamber of Commerce; Kristi Kocian; Margaret Montgomery Kosta; and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

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

Public Comments.

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

Wharton Moment.

Mayor, Tim Barker, called for Wharton Moments. No comments were given.

Public Hearing

1. Public Hearing #1: Proposed Annexation.

Mayor, Tim Barker, opened Public Hearing #1 at 7:11 p.m.

No comments were given.

Mayor, Tim Barker, closed Public Hearing #2 at 7:12 p.m.

2. Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2022 to September 30, 2023.

Mayor, Tim Barker opening the Public Hearing on the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2022 to September 30, 2023 at 7:12 p.m.

No comments were given.

Mayor, Tim Barker, closed the Public Hearing at 7:13 p.m.

Review and Consider:

The first item on the agenda was to review and consider action on changes to the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2022 to September 30, 2023. Finance Director, Joan Andel, stated that during the August 22, 2022, Regular City Council meeting she presented under separate cover a copy of the Proposed Budget for the City of Wharton, Texas, Fiscal Year October 1, 2022 to September 30, 2023. Mrs. Andel stated this item would allow the City Council to direct the City Staff to make any changes to the Proposed Budget prior to the formal adoption, which is scheduled for September 26, 2022. After some discussion, Councilmember, Don Mueller, moved to approve without changes the Proposed Budget for the City of Wharton, Texas Fiscal Year October 1, 2022 to September 30, 2023. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider reading of the minutes from the regular meetings held August 8, 2022 and August 22, 2022 and special meeting held August 9, 2022. City Secretary, Paula Favors, presented copies of the draft minutes from the regular meetings held August 8, 2022 and August 22, 2022 and special meeting held August 9, 2022. After some discussion, Councilmember, Terry Freese, moved to approve the minutes from the regular meetings held August 8, 2022 and August 22, 2022 and special meeting held August 9, 2022. Councilmember, Larry Pittman, 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 written service agreement with the property owners of W.A. Harrison Agriculture Ltd. for the provision of services under Local Government Code 43.0672; and authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement. City Secretary, Paula Favors, presented a copy of a memorandum to City Manager, Joseph R. Pace, stating it was required that a City that wants to annex an area of land under Subchapter C-3. Annexation of Area on Request of Owners, under the Local Government Code, must first negotiate and enter into a written agreement with the owners of the land in the area. Mrs. Favors stated that W.A. Harrison Agriculture Ltd., had requested that a certain 0.420-acre tract of land located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167-acre tract as recorded in Volume 1000, Page 476 of the Deed of Records of Wharton County, Texas be considered for annexation within the City of Wharton. She said the property owners had also agreed to the City of Wharton Annexation Agreement of Services. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-85, which read as follows:

CITY OF WHARTON

RESOLUTION NO. 2022-85

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A WRITTEN SERVICE AGREEMENT WITH THE PROPERTY OWNERS OF W.A. HARRISON AGRICULTURE LTD. FOR THE PROVISION OF SERVICES UNDER LOCAL GOVERNMENT CODE 43.0672; AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton wishes to enter into a written service agreement with the property owners of W.A. Harrison Agriculture for a certain 0.420-acre tract of land located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167-acre tract as recorded in Volume 1000, Page 476 of the Deed of Records of Wharton County, Texas; and,

WHEREAS, The City of Wharton under Local Government Code 43.0672, shall negotiate and enter into a written agreement with the owners of the land that is being requested to be annexed; and,

WHEREAS, The City of Wharton; and the owners of W.A. Harrison Agriculture for a certain 0.420 acre tract of land located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167 acre tract as recorded in Volume 1000, Page 476 of the Deed of Records of Wharton County, Texas, are in agreement with City of Wharton Annexation Agreement of Services, attached as Exhibit "A".

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 written service agreement with the property owners of W. A. Harrison Agriculture LTD for the provision of services under Local Government Code 43.0672.
- Section II.** That Wharton City Council hereby approves the negotiated written agreement with the owners of said property.
- Section III.** That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned agreement.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourth item on the agenda was to review and consider an ordinance annexing the hereinafter described territory, owned by W. A. Harrison Agriculture, Ltd., Wharton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan. City Secretary, Paula Favors, stated that during the regular August 8, 2022, Regular Wharton City Council Meeting, the City Council accepted a petition for voluntary annexation from W. A. Harrison Agriculture Ltd. Mrs. Favors said the first and only Public Hearing was held during this regular September 12, 2022, Wharton City Council meeting and since the requirements of the Public Hearing had been satisfied, the City Council could consider the ordinance annexing the properties owned by W.A. Harrison Agriculture, Ltd., listed below:

1. 0.420 acre tract of land, located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167 acre tract as recorded in Volume 1000, Page 476 of the Deed Records of Wharton County, Texas.

After some discussion, Councilmember Don Mueller, moved to approve City of Wharton Ordinance No. 2022-14, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-14**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, OWNED BY THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 8 Extending city limits upon petition and Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and,

WHEREAS, The procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

1. 0.420 acre tract of land, located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167 acre tract as recorded in Volume 1000, Page 476 of the Deed Records of Wharton County, Texas. (Exhibit A).

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the above described territory within the city limits of the City of Wharton, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit B.

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB

City Attorney

Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from the Monterey Square Business Association for the following for the Monterey Square Wine and Arts Fair on October 8, 2022:

- A. Close Fulton Street between Burleson Street and Milam Street as well as close Houston Street between Burleson Street and Hawes Street from 2:00 p.m. until 10:00 p.m. on Saturday, October 8, 2022.
- B. Provide six (6) generator lights for safety for the fair location and Guffey Park parking area.
- C. Allow open containers for the alcohol on City property on the exterior sides of the Monterey Square and approximately two adjoining blocks to include all participating businesses.
- D. Waive all local permits and fees.
- E. Provide trash cans and bags.

City Manager, Joseph R. Pace, presented a copy of the letter dated August 8, 2022, from Ms. Margaret Montgomery Kosta, Secretary of the Monterey Square Business Association, providing her request for the afore-mentioned items. After some discussion, Councilmember, Terry Freese, moved to approve A., C., D., and F. as presented and item B. having the City provide two (2) generator lights for the event. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request by Mr. Ron Sanders, Executive Director of the Wharton Chamber of Commerce & Agriculture, for City of Wharton assistance by approving the following for the Party Under the Bridge to be held Thursday, October 20, 2022:

1. Closing to traffic from 4:00 p.m. to 8:00 p.m. a portion of Elm Street from Dinosaur Park to underneath the southbound lane of Business 59 and ending near the intersection with Polk Street.
2. Closing to traffic from 4:00 p.m. to 8:00 p.m. the Dinosaur Park parking lot and access roads.
3. Closing to traffic a portion of West Colorado Street from North Richmond Road southward to the end of Dinosaur Park.
4. Traffic control as needed, including for the route of a children's train.
5. Access to electrical power in close proximity as possible to the entrance to the park at Colorado Street.
6. Trash cans, and if possible, clean up assistance.
7. Request for mosquito spraying and fire ant treatment.

8. Allow open containers within the confines of the event area coordinated with the Wharton Police Department.
9. Labor and logistics to pick up, set up and return tables and chairs.
10. Picking up, setting up, operating, and returning two (2) generator light plants that the Chamber will rent.
11. Waive all fees.

City Manager, Joseph R. Pace, presented a copy of a letter dated August 24, 2022, from Wharton Chamber of Commerce Executive Director, Ron Sanders, regarding the Party Under the Bridge. Mr. Sanders stated the event would be on Thursday, October 20, 2022, from 5:00 p.m. to 8:00 p.m. After some discussion, Councilmember, Terry Freese, moved to approve the afore mentioned items. 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 approving an amended contract between the City of Wharton and Wharton County for Emergency Medical Services for Ambulance Transports and authorizing the Mayor of the City of Wharton to execute all documents relating to said contract. EMS Director, Christy Gonzales, presented a draft copy of the contract and draft resolution for Emergency Medical Services for Ambulance Transports between the City of Wharton and Wharton County. Mrs. Gonzales stated that there were two changes from the previous contract. (1) Exhibit A had been updated to reflect current Medicare allowable fees and (2) Ancillary supplies. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-86, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-86**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AMENDED CONTRACT BETWEEN THE CITY OF WHARTON AND WHARTON COUNTY FOR EMERGENCY MEDICAL SERVICES FOR AMBULANCE TRANSPORTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID CONTRACT.

WHEREAS, The City of Wharton wishes to enter into an amended contract with Wharton County for Emergency Medical Services for Ambulance Transports; and,

WHEREAS, The Wharton City Council and Wharton County wishes to be bound by the conditions as set forth in the contract; and,

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

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 amended contract with Wharton County for Emergency Medical Services for Ambulance Transports.
- Section II.** That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to the contract.
- Section III.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 12th day of September 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 eighth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase of a Contraband Team Inspection Kit for the Wharton Police Department and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Chief, Terry David Lynch, stated that at the beginning of 2022, the Wharton Police Department received the Governor's Lone Star Grant for the purpose of combatting human smuggling and contraband detection. Chief Lynch said the Police Department had been operational for a few months and they were requesting the purchase of a necessary tool which would be funded by the grant, a CT-40 Contraband Team Inspection Kit which included a Videoscope Inspection System used to probe fuel tanks and crevices for the detection of narcotics/contraband was needed. He said the kit would be purchased through CSECO (Campbell Security Equipment Company), who was the sole manufacturer/distributor of this product for \$19,074.00, which was 100% funded through the grant. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-87, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-87**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF A CONTRABAND TEAM INSPECTION KIT FOR THE WHARTON POLICE DEPARTMENT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, The City of Wharton Police Department requests to purchase a Contraband Team Inspection Kit through the Governor's Lone Star Grant; and,

WHEREAS, The Contraband Team Inspection Kit will be purchased through Campbell Security Equipment Company in the amount of \$19,074.00 and is 100% funded through the grant; and,

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

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

Section I. That the Wharton City Council hereby approves the purchase in the amount of \$19,074.00 to purchase a Contraband Team Inspection Kit for the Wharton Police Department.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute all documents related to said purchase.

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

Passed, Approved, and Adopted this 12th day of September 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 ninth item on the agenda was to review and consider resolution of the Wharton City Council approving a Professional Engineering Services Contract with Quiddity Engineering, LLC, for the Valhalla Water Well Rehabilitation 2022 and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Public Works Director, Anthony Arcidiacono, presented a copy of the Professional Engineering Services Contract with Quiddity Engineering for the Valhalla Water Well Rehabilitation 2022. Public Works Director, Arcidiacono, said that according to the last inspection, the pump was down 40% of its overall efficiency and needed

reworked. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-88, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-88**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH QUIDDITY ENGINEERING, LLC FOR THE VALHALLA WATER WELL REHABILITATION 2022 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 Professional Engineering Services Contract between the City of Wharton and Quiddity Engineering, LLC, for the Valhalla Water Well Rehabilitation 2022; and,

WHEREAS, The City of Wharton and Quiddity Engineering, LLC wishes to be bound by the conditions as set forth in 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 approves a contract between the City of Wharton and Quiddity Engineering, LLC, for the Valhalla Water Well Rehabilitation 2022.

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

Section III. The City of Wharton and Quiddity Engineering, LLC, are hereby bound by the conditions as set forth in the contract.

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

Passed, Approved, and Adopted this the 12th day of September 2022.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The tenth item on the agenda to review and consider a resolution Wharton County Emergency Services District No. 3:

- A. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Emergency Medical Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.
- B. Resolution: A resolution of the Wharton City Council approving an Interlocal Agreement for Administrative Services between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 and authorizing the Mayor of the City of Wharton to execute the agreement.

City Secretary, Paula Favors, presented a copy of a memorandum regarding the Wharton County Emergency Services District (ESD) No. 3's agreements with the City of Wharton. Mrs. Favors stated it was her recommendation that both Items A & B above be considered for approval by the City Council. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-90, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-90**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY MEDICAL SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON EMERGENCY MEDICAL SERVICES DEPARTMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for emergency medical services; and,

WHEREAS, The City of Wharton hereby wishes to enter into an Interlocal Agreement with the Wharton County Emergency Services District (ESD) No. 3 to provide Emergency Medical Services (EMS); and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes to 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. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District (ESD) No. 3 for emergency medical services.

Section II. That the City of Wharton and the ESD No. 3 shall hereby be 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 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-89**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN INTERLOCAL AGREEMENT FOR ADMINISTRATIVE SERVICES BETWEEN THE WHARTON COUNTY EMERGENCY SERVICES DISTRICT (ESD) NO. 3 AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton County Emergency Services District (ESD) No. 3 Board has hereby authorized the ESD No. 3 President to execute an agreement with the City of Wharton for administrative services; and,

WHEREAS, The ESD No. 3 and the City of Wharton wishes 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. That Wharton City Council hereby approves an Interlocal Agreement between the City of Wharton and the Wharton County Emergency Services District No. 3 for administrative services.

Section II. 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 12th day of September 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 eleventh item on the agenda was to review and consider Contract Agreements with the Texas Municipal League Health Benefits Pool (TML Health Benefits Pool):

- A. Resolution: A resolution of the Wharton City Council approving participation of Coverage with The Standard Insurance Company through the Texas Municipal League Health Benefits Pool (TML) Health Benefits Pool for long-term disability, life, accidental death and dismemberment for City employees; Authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement.
- B. Resolution: A resolution of the Wharton City Council approving the TML Health Benefits Pool Flexible Spending Arrangement Service Agreement (FSA) a Section 125 Flexible Spending Arrangement (FSA) for the Flexible Spending benefits under Section 125 of the Internal Revenue Code of City Employees; Authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement.
- C. Resolution: A resolution of the Wharton City Council approving the Texas Municipal League (TML) Health Benefits Pool COBRA Continuation of Coverage Administrative Agreement and; Authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement.

City Secretary, Paula Favors, presented copies of memorandums and the Application for Participation in Coverage Through The Standard received from the TML Health Benefits Pool for the City of Wharton eligible employees long-term disability, life, accidental death and dismemberment coverage.; the Section 125 Flexible Spending Arrangement (FSA) Service Agreement from the Texas Municipal League (TML) Health Benefits Pool and an updated COBRA agreement. Mrs. Favors stated these would be updated participation applications with the only change from the current agreement being the COBRA fee structure change from a Per COBRA enrollee per month to a flat fee of \$80. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-91, 2022-92 and 2022-93, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-91**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING PARTICIPATION OF COVERAGE WITH THE STANDARD INSURANCE COMPANY THROUGH THE TEXAS MUNICIPAL LEAGUE HEALTH BENEFITS POOL (TML) HEALTH BENEFITS POOL FOR LONG-TERM DISABILITY, LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT FOR CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton received the application for participation in coverage through The Standard Insurance Co.; and,

WHEREAS, The City of Wharton contracts with the Texas Municipal League (TML) Health Benefits Pool for coverage for long-term disability, life, accidental death and dismemberment for City employees; and,

WHEREAS, The City of Wharton would like to continue to provide coverage through TML Health Benefits and The Standard Insurance Company.

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 application for participation in coverage with The Standard Insurance through the Texas Municipal League (TML) Benefits Pool.

Section II. That Wharton City Council hereby approves providing to each full-time eligible employee coverage of long-term disability, life, accidental death and dismemberment.

Section III. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned agreement.

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

Passed, Approved, and Adopted this 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-92**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TML HEALTH BENEFITS POOL FLEXIBLE SPENDING ARRANGEMENT SERVICE AGREEMENT (FSA) A SECTION 125 FLEXIBLE SPENDING ARRANGEMENT (FSA) FOR THE FLEXIBLE SPENDING BENEFITS UNDER SECTION 125 OF THE INTERNAL REVENUE CODE OF CITY EMPLOYEES; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton received the service agreement for the Section 125 Flexible Spending Arrangement; and,

WHEREAS, The City of Wharton Section 125 Flexible Spending Arrangement plan with Texas Municipal League (TML) Health Benefits Pool would allow eligible healthcare expense reimbursements as prescribed by Section 223 of the Internal Revenue Code; and,

WHEREAS, The City of Wharton would provide to each full time eligible employee with the Section 125 Flexible Spending Plan administered by the TML Health Benefits Pool.

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 Section 125 Flexible Spending Arrangement (FSA) Service Agreement with the Texas Municipal League (TML) Health Benefits Pool.

Section II. That Wharton City Council hereby approves the Section 125 Flexible Spending Arrangement plan for eligible healthcare expense reimbursements prescribed by Section 223 of the Internal Revenue Code.

Section III. That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned agreements.

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

Passed, Approved, and Adopted this 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
RESOLUTION NO. 2022-93**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE TEXAS MUNICIPAL LEAGUE (TML) HEALTH BENEFITS POOL COBRA CONTINUATION OF COVERAGE ADMINISTRATIVE AGREEMENT AND; AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The City of Wharton received the service agreement from the Texas Municipal League (TML) Health Benefits Pool for the administration of COBRA Continuation of Coverage; and,

WHEREAS, The City of Wharton wishes to continue with the Texas Municipal League (TML) Health Benefits Pool for the administration of COBRA Continuation of Coverage; and,

WHEREAS, The City of Wharton would provide to each full time eligible employee with the TML Health Benefits Pool the option for the continuation of coverage.

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 COBRA Continuation of Coverage Administrative Agreement with the Texas Municipal League (TML) Health Benefits Pool.
- Section II.** That Wharton City Council hereby approves COBRA coverage for all eligible full-time employees through the Texas Municipal League (TML) Health Benefits Pool.
- Section III.** That the Mayor of the City of Wharton is hereby authorized to sign any documents relating to the aforementioned agreements.
- Section IV.** That this resolution shall become effective immediately upon its passage.

Passed, Approved, and Adopted this 12th day of September 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 twelfth item on the agenda was to review and consider a resolution of the Wharton City Council approving Change Order No. 7 for cost increase due to the addition of a CenterPoint Transformer Pad and crane placement 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 the Wharton Well & Water Plant – Contract #1 (General Construction), Change Order #7 from E-Contractors for a price increase due to the addition of a CenterPoint pad and crane placement. Mrs. Teves stated this would cover all cost associated with the work performed to accomplish building the transformer pad in order to get electricity to Wharton Water Plant #5 reduction to reimburse the City of Wharton for retests and canceled tests through March 18, 2022 and any retest or canceled test beyond this date the contractor would still be responsible for reimbursing the City of Wharton for their expenses. She said the Change Order was for an increase in the amount of \$10,000.00. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-94, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-94**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING CHANGE ORDER NO. 7 FOR COST INCREASE DUE TO THE ADDITION OF A CENTERPOINT TRANSFORMER PAD AND CRANE PLACEMENT 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. 7 for cost increase due to the addition of a CenterPoint transformer pad and crane placement 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. 7 for cost increase due to the addition of a CenterPoint transformer pad and crane placement 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 12th day of September 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council ratifying and approving Change Order # 1 for application #GLO17-04494-P and Change Order # 1 for application #GLO17-04579-P pertaining to the Community Development Block Grant Program (CDBG-DR) Contract Number 19-076-050-B703. Director of Planning & Development, Gwyn Teves, stated that after completing construction on the two applicants homes the cost for the required insurances came in below estimated cost and this had resulted in the need for change orders for application #GLO17-04494-P and for application #GLO17-04579-P. Mrs. Teves stated the change order for application #GLO17-04494-P was a reduction of \$1,646.75 and the change order for application #GLO17-04579-P was a reduction of \$3,244.00. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-95, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-95**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER # 1 FOR APPLICATION #GLO17-04494-P AND CHANGE ORDER # 1 FOR APPLICATION #GLO17-04579-P PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG-DR) CONTRACT NUMBER 19-076-050-B703.

WHEREAS, The City of Wharton has received a Community Development Block Grant-Disaster Recovery award for damage sustained from 2016 Presidentially declared flooding; and,

WHEREAS, A change order has been provided to reduce the contract cost for application #GLO17-04494-P in the amount of \$1,646.75 and to reduce the contract cost for application #GLO17-04579-P in the amount of \$3,244.00; and,

WHEREAS, The Wharton City Council wishes to ratify and approve change order # 1 for application #GLO17-04494-P and change order # 1 for application #GLO17-04579-P pertaining to the Community Development Block Grant Program (CDBG-DR) contract number 19-076-050-B703; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor to execute all documents related to the change orders.

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 # 1 for application #GLO17-04494-P and change order # 1 for application #GLO17-04579-P pertaining to the Community Development Block Grant Program (CDBG-DR) contract number 19-076-050-B703.

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

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

Passed, Approved and Adopted this 12th day of September 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 fourteenth item on the agenda was to review and consider Pay Request No. 4 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 4 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$279,896.72. After some discussion, Councilmember, Clifford Jackson, moved to approve Pay Request No. 4 from Aranda Industries for the Colorado River Flood Control Public Utility Abandonment Hughes Street in the amount of \$279,896.72. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. City Secretary, Paula Favors, presented a copy of the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Mrs. Favors said the officials listed on the ballot had been nominated to serve a six-year term and it was City Staff's recommend the City Council cast its vote for the following:

- Place 6 - Allison Hayward
- Place 7 - Mary Dennis - Incumbent
- Place 8 - Marian Mendoza
- Place 9 - Opal Mauldin-Jones – Incumbent

After some discussion, Councilmember, Terry Freese, moved to approve the afore mentioned candidates for the Official Ballot of the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Councilmember, Clifford Jackson, seconded the motion.

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


- A. Finance Committee meeting held August 22, 2022.

After some discussion, no action was taken.

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

The meeting adjourned at 7:36 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

