

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
OCTOBER 24, 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; Russell Machann; Don Mueller; Clifford Jackson; Larry Pittman and Steve Schneider.

Councilmember absent was: None.

Staff members present were: City Manager, Joseph R. Pace; Finance Director, Joan Anandel; 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; Fire Chief, Anthony Abbott; EMS Director, Christy Gonzales and Assistant to the Building Official, Claudia Velasquez.

Visitors present were: Jim Maddox; Brian Jarrard; Adraylle Watson and Joe Southern with the Wharton Journal Spectator.

Roll Call and Excused Absences.

All Councilmembers were present.

Public Comments.

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

Wharton Moment.

City Manager, Joseph R. Pace, stated the Houston Astros would be advancing to the World Series.

Mayor, Tim Barker, stated Mr. Tom Hudgins passed away October 23, 2022.

Proclamation

1. Proclamation: Presentation of Fire Prevention Proclamation.

Mayor, Tim Barker, presented a proclamation to the Wharton Volunteer Fire Chief, Anthony Abbott, for Fire Prevention Month, which read as follows:

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

- WHEREAS,** The City of Wharton is committed to helping ensure the health and safety of all those living and visiting our community; and,
- WHEREAS,** Each year, during the month of October, the Fire Department takes the opportunity to remind the citizens of Wharton of the devastating impact fire could have on each of us; and,
- WHEREAS,** The City of Wharton Firefighters, are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and,
- WHEREAS,** Working smoke alarms cut the risk of dying in home fires in half; and,
- WHEREAS,** City of Wharton residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and;
- WHEREAS,** It is appropriate to recognize the value and the accomplishments of the Fire Service providers by designating Fire Prevention Month.

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 today the month of October, as

“Fire Prevention Month”

in the City of Wharton.

IN WITNESS THEREOF, I have set my hand and caused the seal of the City of Wharton to be affixed this 24th day of October, in the year of our Lord two thousand twenty-two A.D.

Tim Barker
Mayor
City of Wharton

Review and Consider:

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

The second item on the agenda was to review and consider request from Ms. Dinora Eureste of 112 West Belle Avenue and Ms. Herlinda Eureste of 113 West Wayside Avenue, Hawes 3 Subd., Block 1, Lots 15, 16B, 17B, 18B, 19B, 22A & 22B to replat the properties into Eureste Subdivision. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Dinora Eureste of 112 West Belle Avenue and Ms. Herlinda Eureste of 113 West Wayside Avenue, Hawes 3 Subd., Block 1, Lots 15, 16B, 17B, 18B, 19B, 22A & 22B to replat the properties into Eureste Subdivision. Mrs. Teves stated the Planning Commission met on Monday, October 17, 2022, and voted to recommend this item to the City Council for consideration. After some discussion, Councilmember, Clifford Jackson, moved to approve the request from Ms. Dinora Eureste of 112 West Belle Avenue and Ms. Herlinda Eureste of 113 West Wayside Avenue, Hawes 3 Subd., Block 1, Lots 15, 16B, 17B, 18B, 19B, 22A & 22B to replat the properties into Eureste Subdivision. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request for an extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 820 Old Caney Road. Director of Planning & Development, Gwyn Teves, stated Mr. Charles Washington, had requested and received temporary variances 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 for 820 Old Caney Road due to the reconstruction of his home that was destroyed by fire. Mrs. Teves said the last variance expired August 14, 2022 and the City had provided multiple variances and extensions of these variances in an effort to assist residents while alternative housing arrangements are made. After some discussion, Councilmember, Clifford Jackson, moved to approve for six months, an extension of Variance for Temporary Placement of Travel Trailer for Temporary Housing for 820 Old Caney Road. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider resolution of the Wharton City Council approving a Development Agreement with Wharton 55, LLC., and the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said agreement. City Manager, Joseph R. Pace, presented a draft copy of the Development Agreement with Wharton 55, LLC., and the City of Wharton. Mr. Brian Jarrard stated Wharton 55, LLC., was proposing to develop approximately 225 single family residential homes and infrastructure improvements pursuant to the agreement. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-107, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-107**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT WITH WHARTON 55, LLC., AND THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID AGREEMENT.

WHEREAS, Wharton 55, LLC., and the City of Wharton wish to enter into a Development Agreement; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the city of Wharton to execute the agreement; and,

WHEREAS, The Wharton City Council wishes this resolution to become effective immediately upon its passage.

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 Development Agreement with Wharton 55, LLC., and the City of Wharton.

Section II. The Mayor of the City of Wharton is hereby authorized to execute the agreement.

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

PASSED, APPROVED, and ADOPTED this 24th day of October 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 fifth item on the agenda was to review and consider resolution of the Wharton City Council approving an agreement between the City of Wharton and BBG Consultants for plan review and inspection services and authorizing the Mayor of the City of Wharton to execute the agreement. Assistant to the Building Official, Claudia Velasquez, stated the contract for building plan review, fire plan review, and inspection services with BBG Consulting had expired. Mrs. Velasquez said the Code Enforcement Department had received a new agreement to be effective October 1, 2022, with an automatic renewal annually and a 45-day termination notice by the City if necessary. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-108, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-108**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND BBG CONSULTANTS FOR PLAN REVIEW AND INSPECTION SERVICES AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, The Wharton City Council wishes to engage the services of BBG Consultants to provide plan review and inspection services for the City of Wharton; and,

WHEREAS, BBG Consultants wishes to provide said services for the City of Wharton; and,

WHEREAS, The City of Wharton and BBG Consultants wishes to be bound by the conditions of said 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 to execute an agreement with BBG Consultants for plan review and inspection services for the City of Wharton.

Section II. The City of Wharton and of BBG Consultants 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 24th day of October 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 sixth item on the agenda was to review and consider resolution of the Wharton City Council authorizing the purchase of a drone for the Wharton Police Department through the Lone Star Grant and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Chief, Terry David Lynch, stated the Wharton Police Department was building a Drone Program for the Department. Chief Lynch said the Drone Program would be utilized in the investigation of human smuggling, missing persons, crime scenes and vehicle crashes, along with an infinite number of other law enforcement uses. He said the purchase of a drone was funded through the Lone Star Grant in the amount of \$7,737.00. After some discussion, Councilmember, Larry Pittman, moved to approve City of Wharton Resolution No. 2022-109, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-109**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A DRONE FOR THE WHARTON POLICE DEPARTMENT THROUGH THE LONE STAR GRANT 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 Lone Star Grant 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 Lone Star Grant 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 24th day of October 2022.

CITY OF WHARTON

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The seventh item on the agenda was to review and consider resolution of the Wharton City Council rescinding the City of Wharton Resolution No. 2017-16 and approving new rates for Emergency Medical Services. EMS Director, Christy Gonzales, stated the City EMS Staff, met and reviewed the EMS rates being charged for services. EMS Director Gonzales presented a copy of the new proposed rates in Exhibit A of the Resolution. After some discussion, Councilmember, Terry Freese, moved to the City of Wharton Resolution No. 2022-110, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-110**

A RESOLUTION OF THE WHARTON CITY COUNCIL RESCINDING THE CITY OF WHARTON RESOLUTION NO. 2017-16 AND APPROVING NEW RATES FOR EMERGENCY MEDICAL SERVICES.

WHEREAS, The City Council of the City of Wharton established rates in accordance with Resolution No. 2017-16; and,

WHEREAS, The City wishes to establish new charges and rates for emergency medical services; and,

WHEREAS, The City Council of the City of Wharton wishes to authorize the Emergency Medical Services Director to enforce said charges and the applicable fees.

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

Section I. The City Council of the City of Wharton hereby adopts the charges and fees for emergency medical services as described in Exhibit A.

Section II. The City Council of the City of Wharton hereby authorizes the Emergency Medical Services Director and his duly authorized representative to enforce charges and the applicable fees.

Section III. That Resolution No. 2017-16 shall become null and void on October 24, 2022.

Section IV. That this resolution shall become effective on October 25, 2022.

Passed, Approved, and Adopted this 24th day of October 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 eighth item on the agenda was to review and consider resolution of the Wharton City Council approving participation in the Texas EMS Scholarship Program through the Southeast Texas Regional Advisory Council and authorizing the Mayor of the City of Wharton to execute all documents related to said participation. EMS Director, Christy Gonzales, presented information in regards to SETRAC (Southeast Texas Regional Advisory Council) - Texas EMS Scholarship Program. EMS Director Gonzales stated the 87th Texas Legislature, through Senate Bill 8, provided by Department State Health Services \$21.7M funding was available for the recruitment and retention of EMS Personnel. She said the City Staff was seeking approval to use this opportunity for employees at current Emergency Medical Technician and Advanced Emergency Medical Technician certification

to advance their education and certification status. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-111, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-111**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING PARTICIPATION IN THE TEXAS EMS SCHOLARSHIP PROGRAM THROUGH THE SOUTHEAST TEXAS REGIONAL ADVISORY COUNCIL AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PARTICIPATION.

WHEREAS, The City of Wharton City Council wishes to participate in the Texas EMS Scholarship Program through the Southeast Texas Regional Advisory Council; and,

WHEREAS, The purpose of the program is to enhance current Emergency Medical Technician and Advanced Emergency Medical Technician certification to advance their education and certification status; and,

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

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

SECTION I. The Wharton City Council hereby approves the participation in the Texas EMS Scholarship Program through the Southeast Texas Regional Advisory Council.

SECTION II. The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute all documents related to said participation.

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

PASSED, APPROVED, and ADOPTED this 24th day of October 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 ninth item on the agenda was to review and consider resolution of the Wharton City Council approving the purchase and installation of debt and lease management software for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said contract. Finance Director, Joan Andel, stated that due to the requirement of the City to implement the Government Accounting Standards Board (GASB) 87 effective with the fiscal year ending September 30, 2022, it was necessary that software was purchased to handle the City's debt and lease portfolio. Mrs. Andel said the City Staff had checked references on both of these companies and recommend that the City select DebtBook. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-112, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-112**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE AND INSTALLATION OF DEBT AND LEASE MANAGEMENT SOFTWARE FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID CONTRACT.

WHEREAS, It is in the best interest of the City of Wharton to purchase and install software, which will allow for debt and lease management in order to comply with the requirements of GASB87 and GASB96; and,

WHEREAS, The Wharton City Council has designated the necessary funding for the purchase and installation of said software through the Fiscal Year 2023 Budget; and,

WHEREAS, The Wharton City Council wishes to approve funding in the amount of \$9,750.00 to be used to purchase and install said software; and,

WHEREAS, The Wharton City Council wishes to purchase debt and lease management software; and,

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

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

Section I. That the Wharton City Council hereby approves the purchase in the amount

of \$9,750.00 to purchase and install debt and lease management software.

Section II. That the Mayor of the City of Wharton is hereby authorized to execute any and all documents related to said software's purchase and installation.

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

Passed, Approved, and Adopted this 24th day of October 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 tenth item on the agenda was to review and consider resolution of the Wharton City Council approving the purchase and installation of a line printer for the City of Wharton and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Finance Director, Joan Andel, stated the Utility Department line printer was in need of replacement. Mrs. Andel said the printer was primarily used to print the City's monthly utility bills and the current printer was twenty (20) plus years of age. She said the Staff has had to call for service twice in the last year for a cost of \$1,275. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-113, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-113**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE AND INSTALLATION OF A LINE PRINTER FOR THE CITY OF WHARTON AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.

WHEREAS, It is in the best interest of the City of Wharton to purchase a line printer from Aba Moriah Corp., for the Utility Department; and,

WHEREAS, The Wharton City Council wishes to approve funding in the amount of

\$8,041.00 to be used to purchase and installation of said printer; and,

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

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

Section I. That the Wharton City Council hereby approves the purchase in the amount of \$8,041.00 to purchase and install a line printer from Aba Moriah Corp.

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

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

Passed, Approved, and Adopted this 24th day of October 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The eleventh item on the agenda was to review and consider resolution of the Wharton City Council approving an updated Agreement for Release of Driver Records to Governmental Entities with the Texas Department of Public Safety and authorizing the Mayor to execute the agreement. City Secretary, Paula Favors, a copy of the memorandum regarding an update to the agreement for release of driver records to governmental entities with the Texas Department of Public Safety (TXDPS). Mrs. Favors stated that due to the 87th Legislative Session and the passage of SB15, the Department of Public Safety was requesting to amend our existing agreement to update the wording on the distribution of any information obtained from the system. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-114, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-114**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN UPDATED AGREEMENT FOR RELEASE OF DRIVER RECORDS TO GOVERNMENTAL ENTITIES WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Wharton and the Texas Department of Public Safety (TXDPS) wishes to enter into an updated Agreement pertaining specifically to the release of driver records for the Wharton Municipal Court; and,

WHEREAS, the City of Wharton and TXDPS wishes to be bound by the conditions as outlined in the agreement; and,

WHEREAS, the Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement; and,

WHEREAS, the Wharton City Council wishes the resolution to become effective immediately after its passage.

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

Section I. The Wharton City Council hereby approves the updated Agreement pertaining specifically to the release of driver records for the Wharton Municipal Court pertaining specifically to the release of driver records.

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

Section III. This resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED this 24th day of October 2022.

CITY OF WHARTON

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The twelfth item on the agenda was to review and consider resolution of the Wharton City Council ratifying and concurring to award a contract to James Construction Group, LLC for Wharton F.M. 1301 Extension Project – CSJ 1412-03-038 and authorizing the Mayor of the City of Wharton to execute all documents related to said ratification and concurrence. Director of Planning & Development, Gwyn Teves, stated that on October 6, 2022, bids were received by TxDOT for the construction of the F.M. 1301 Extension Project. Mrs. Teves said a total of five bids were received and the City staff reviewed the bids received and concurred with the decision to move forward with James Construction Group, LLC. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-115, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-115**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND CONCURRING TO AWARD A CONTRACT TO JAMES CONSTRUCTION GROUP, LLC FOR WHARTON F.M. 1301 EXTENSION PROJECT – CSJ 1412-03-038 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION AND CONCURRENCE.

WHEREAS, Bids were received for the F.M. 1301 Extension Project by TxDOT on October 6, 2022; and,

WHEREAS, James Construction Group, LLC was deemed the best lowest qualified bidder in the amount of \$14,535,847.00; and,

WHEREAS, The bid was approved by TxDOT and sent to the City for their official concurrence to accept James Construction Group, LLC as the lowest bidder for final contract execution; and,

WHEREAS, Due to the need for a timely response the City Manager, Finance Director and Director of Planning & Development reviewed the bids and provided approval to TxDOT to proceed and request the City Council to ratify this concurrence; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the concurrence and ratification 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 concurs and ratifies the concurrence for the F.M. 1301 Extension Project award to James Construction Group, LLC in the amount of \$14,535,847.00 after receiving the official bids from TxDOT.

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The thirteenth item on the agenda was to review and consider resolution of the Wharton City Council ratifying and concurring to award a contract to Encino Landscape, Inc., for the Wharton Safe & Accessible Routes to School Project – CSJ 0913-09-116 and authorizing the Mayor of the City of Wharton to execute all documents related to said ratification and concurrence. Director of Planning & Development, Gwyn Teves, stated that on September 7, 2022, bids were received by TxDOT for the construction of the Wharton Safe & Accessible Routes to School Project. Mrs. Teves said it was the request of City Staff that the City Council ratify the concurrence of the award by TxDOT and proceed with the construction of the Wharton Safe & Accessible Routes to School Project. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-116, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-116**

A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND CONCURRING TO AWARD A CONTRACT TO ENCINO LANDSCAPE, INC. FOR THE WHARTON SAFE & ACCESSIBLE ROUTES TO SCHOOL PROJECT – CSJ

0913-09-116 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION AND CONCURRENCE.

WHEREAS, Bids were received for the Wharton Safe & Accessible Routes to School Project by TxDOT on September 7, 2022; and,

WHEREAS, Encino Landscape, Inc. was deemed the best lowest qualified bidder in the amount of \$664,041.50; and,

WHEREAS, The bid was approved by TxDOT and sent to the City for their official concurrence; and,

WHEREAS, The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to the concurrence and ratification 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 concurs and ratifies the concurrence for the Wharton Safe & Accessible Routes to School Project award to Encino Landscape, Inc. in the amount of \$664,041.50 after receiving the official bids from TxDOT.

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

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

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

The fourteenth item on the agenda was to review and consider resolution of the Wharton City Council authorizing the submission of a letter to TXDOT Yoakum District Office regarding the City's support to retain the crossover for I-69 at the City of Wharton Airport Intersection. Director of Planning & Development, Gwyn Teves, stated the TxDOT Staff,

in the Yoakum District Office and Wharton Office, had been in contact with the City in reference to the future construction of U.S. 59/I-69 upgrades in front of the City of Wharton Municipal Airport. Mrs. Teves said it was the City Staff's recommendation that the crossover should remain at that location and not be changed to alternate locations to maintain the economic viability of the airport and future development for the City. After some discussion, Councilmember, Don Mueller, moved to City of Wharton Resolution No. 2022-117, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022 - 117**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE SUBMISSION OF A LETTER TO TXDOT YOAKUM DISTRICT OFFICE REGARDING THE CITY'S SUPPORT TO RETAIN THE CROSSOVER FOR I-69 AT THE CITY OF WHARTON AIRPORT INTERSECTION.

WHEREAS, the Wharton City Staff was contacted by the Texas Department of Transportation (TxDOT) about the future design of the I-69 expansion project and the proposed crossover at the Wharton Municipal Airport; and,

WHEREAS, the City of Wharton City Council and Staff support that the crossover should remain at that location and not be changed to alternate locations to maintain the economic viability of the airport and future development for the City; and,

WHEREAS, the Texas Department of Transportation (TxDOT) is requesting the City of Wharton submit a letter and recommendation regarding the location of the crossover.

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

Section I. The Wharton City Council hereby approves the submittal of a letter to the Texas Department of Transportation (TxDOT) Yoakum District Office supporting that the crossover should remain at that location and not be changed to alternate locations to maintain the economic viability of the airport and future development for the City.

Section II. The Wharton City Council hereby authorizes the Mayor to submit the above mentioned letter on behalf of the City of Wharton.

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

PASSED, APPROVED, and ADOPTED this 24th day of October 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 fifteenth item on the agenda was to review and consider Pay Request No. 2 and Final from Underground Construction Solutions LLC for the F.M. 1301 Utility Relocation. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 2 and Final from Underground Construction Solutions LLC, in the amount of \$54,785.50 for the F.M. 1301 Utility Relocation. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 2 and Final from Underground Construction Solutions LLC, in the amount of \$54,785.50. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider Update of City of Wharton Grant Programs. Director of Planning & Development, Gwyn Teves, presented a copy of her update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The seventeenth item on the agenda was to review and consider Update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated October 7, 2022 regarding the City of Wharton on-going projects, which read as follows:

FLOOD REDUCTION (LEVEE) PROJECT:

The U.S. Army Corp of Engineers (USACE) Lower Colorado River Phase I Report - City of Wharton Flood Prevention Project and Recommended report is located at the Wharton County Library and the office of the City of Wharton City Secretary for viewing or the report may be viewed on line at <http://www.cityofwharton.com/information-a-notices/lcrb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. The City has hired HDR for Right-of-Way Acquisition and Jones & Carter for City and private company utility relocations. The City has acquired all properties for the project. Utility relocations for City utilities is near completion and all private utilities have been relocated or abandoned. All asbestos abatement has been completed. Phase 1 was awarded on May 27th, but due to a complication the award was terminated, and the project will need to be rebid. USACE is currently anticipating going back out for procurement in November 2022 with an anticipated award in April 2023. Phase II Acquisition is tentatively anticipated to

be authorized by end of December 2022. Phase I Public Engagement meeting to be held October 17th at the Civic Center. USACE will be present to speak about the current status of the project.

DRAINAGE:

1. Stavena Addition Drainage Project.

The design and construction plans are complete. The project is one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

2. Ahldag Ditch Improvement.

The project was approved by the City Council. The ditch improvements were proposed under the Texas General Land Office (GLO) Infrastructure Grant Program. The staff is currently working with an appraiser for ROW acquisition. The project is also listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance. Project has currently been delayed due to environmental concerns with USACE permitting for jurisdictional waters.

3. On-going Drainage and Maintenance Program.

The Public Works Department has continued working on cleaning residential drainage ditches that have experienced poor drainage.

4. Pecan Acres (Mahan, Kinkaid, Delmas) Drainage Project.

Installation of the drainage pipes was completed. The City Public Works Department will be regrading ditches to improve the drainage in the area. The project is listed as one of the construction projects to be funded with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program for partial assistance.

WATER/SEWER IMPROVEMENTS:

1. On-going Water and Sewer Maintenance Program.

Water leaks and sewer failures are still being seen in the month of September.

2. Water Well and Water Plant Project – CR 222 (Halford).

Monthly progress meetings are being held. Well drilling complete and pump being installed and set in October pending electrical service connection by CenterPoint. Ground storage tank construction complete. Plant construction still in progress.

STREET IMPROVEMENTS:

1. FM 1301 Extension and Overpass Project Progress Report.

IDC Inc. has submitted to TxDOT Yoakum District Office all required plans for the project. ROW is in process of being turned over to TxDOT for construction letting in October 2022.

2. I-69 Project.

The City submitted the comments as approved by the City Council to TxDOT. TxDOT has informed the City that CivilCorp engineering has begun design and the City is involved in regular coordination meetings. City staff is coordinating with Quiddity Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion. 3 easements will have to be acquired by City Staff to replace existing easements on US59 to relocate the existing sanitary sewer facilities. City Staff is working with TxDot and Quiddity to compose a reimbursement agreement to be brought to the City Council.

3. NanYa Exit Ramp Project.

TxDOT has been coordinating with NanYa and JM Eagle on the exit design. As of last coordination meeting the ramp has been implemented in the design with a turnaround under the FM 102 overpass to allow for easy access to the retail area on the alternate side of the Interstate.

After some discussion, no action was taken.

The eighteenth 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 nineteenth item on the agenda was to review and consider the City Manager's Reports:

- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- K. Police Department.
- L. Public Works Department.
- M. Water/Sewer Department.


- N. Weedy Lots/Sign Ordinance.
- O. Wharton Regional Airport.

After some discussion, no action was taken.

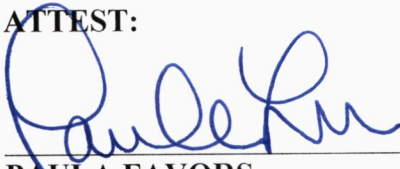
There being no further discussion, Councilmember, Don Mueller, moved to adjourn. Councilmember, Clifford Jackson, seconded the motion. All voted in favor.

The meeting adjourned at 7:46 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:


PAULA FAVORS
City Secretary

