

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
AUGUST 12, 2024**

Mayor, Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:04 P.M. at City Hall 120 E. Caney Street Wharton, TX. Councilmember, Burnell Neal, led the opening devotion, and Mayor, Tim Barker led the pledge of allegiance.

Councilmembers present were: Mayor, Tim Barker, and Councilmembers, Terry Freese; Russell Machann; Burnell Neal; Larry Pittman; Steve Schneider, and David Voulgaris.

Councilmembers absent were: None.

Staff members present were: City Manager, Joseph R. Pace; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; Assistant City Manager, Paula Favors, TRMC, CPM, MMC, IPMA-CP; Assistant to the City Manager, Brandi Jimenez; Director of Planning and Development, Gwyn Teves; Public Works Director, Roderick Semien; Building Official, Claudia Velasquez and Airport Manager, Dwayne Pospisil.

Visitors present were: Jim Maddox; Thelma Hayes; Ronnie Wittig; Executive Director of Wharton Economic Development Corporation, Josh Owens; Ryan Salazar; Lee Allen; Anezma Trevino, and Stephanie Konvicka.

**Roll Call and Excused Absences.**

All Councilmembers were present.

**Public Comments.**

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

**Wharton Moment.**

Mayor, Tim Barker, called for Wharton Moments.

1. Police Chief, Terry David Lynch, stated that he wanted to commend all Public Safety Officials on working together on an 18-wheeler rollover that spilled fertilizer and diesel. Chief Lynch said all entities worked together very well on the accident and on a gas leak on the West side of the City.
2. Councilmember, Burnell Neal, congratulated the 10u Softball All-Stars representing Wharton in the National Championship tournament placing 3<sup>rd</sup>, and their Brenham tournament placing 2<sup>nd</sup>.

**Review and Consider:**

The first item on the agenda was to review and consider the reading of the minutes from the regular meetings held July 8, 2024, and July 22, 2024, and special meeting held July 15, 2024. After some discussion, Councilmember, Russell Machann, moved to approve the reading of the minutes from the regular meetings held July 8, 2024, and July 22, 2024, and special meeting held July 15, 2024. Councilmember, Steve Schneider, seconded the motion. All voted in favor.

The second item on the agenda was to review and consider a request from Ms. Thelma Hayes to address the City Council regarding damage to her driveway. Ms. Hayes requested to address the Council regarding damage to her driveway stating the waste collection service Green for Life (GFL) had damaged the entry to her driveway. After some discussion, no action was taken.

The third item on the agenda was to review and consider a request from Ms. Alice Heard-Roberts to address the City Council regarding Wharton Economic Development Corporation Board Meeting attendance records. City Manager, Joseph R. Pace, stated since Ms. Heard-Roberts was not in attendance the item would not be presented. After some discussion, no action was taken.

The fourth item on the agenda was to review and consider a request from Internal Fortitude 2.0 to host a Retro 5K Run for the following:

- A. Waive all permit fees, specifically for food truck vendors.
- B. Waive Park Fee.
- C. Allow the use of electricity in the park, including the electricity on light poles, if the City can unlock the power box for access.
- D. Waive the City of Wharton Noise Ordinance for DJ Music and Live Performances.
- E. Provide one (1) Roll-Off Dumpster.
- F. Provide twelve (12) trash barrels, cans, and liners to help keep the Downtown Area Clean.
- G. Provide barricades for the street closures mentioned below.
- H. Advertise the Run on the I-69 Digital Billboard.
- I. Close N. Houston, Polk St., and Caney St. (the streets surrounding Guffey Park) between 3:00 p.m. and 10:00 p.m. on November 2, 2024.
- J. Wharton Police Department to assist with security.

Anezma Trevino with Internal Fortitude 2.0 requested the aforementioned items for a Retro 5K Run on November 2, 2024, from 5:00 p.m. to 10:00 p.m. After some discussion, Councilmember, Terry Freese, moved to approve the aforementioned item with a change only to item E. changing a Roll-Off Dumpster to just a dumpster. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Mrs. Teves stated the Planning Commission met and was recommending this item to the City Council for consideration.



After some discussion, Councilmember, Russell Machann, moved to approve the request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8, for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider a request from Mr. Ronnie Wittig on behalf of F & W Storage Company LLC, to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Director of Planning & Development, Gwyn Teves, presented a request from Mr. Ronnie Wittig on behalf of F&W Storage Company LLC to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Mrs. Teves stated the Planning Commission met and was recommending to the City Council for consideration. After some discussion, Councilmember, Russell Machann, moved to approve the request from Mr. Ronnie Wittig on behalf of F & W Storage Company LLC, to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider a resolution of the Wharton City Council authorizing the purchase of a sign for the Wharton Regional Airport and authorizing the City Manager of the City of Wharton to execute all documents related to said purchase. Airport Manager Dwayne Pospisil stated he obtained a quote from Core Displays for a new two-sided sign, which would be lit, for the Wharton Regional Airport. Mr. Pospisil said the current sign needed replacement due to age and sun damage. He said Core Displays was a member of the TIPS Co-Operative, they submitted a cost of \$29,670.00 and funds for the sign were available through the Routine Airport Maintenance Plan (RAMP). After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2024-75, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-75**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING THE PURCHASE OF A SIGN FOR THE WHARTON REGIONAL AIRPORT AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID PURCHASE.**

**WHEREAS,** The Wharton City Council wishes to approve Core Displays for the purchase of a sign at the Wharton Regional Airport in the amount of \$29,670; and,

**WHEREAS,** The Wharton City Council wishes to authorize the City Manager 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.** The Wharton City Council hereby authorizes the City Manager of the City of Wharton, Texas, to execute all documents related to the purchase from Core Displays for the sign at the Wharton Regional Airport in the amount of \$29,670.

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

**Passed, Approved, and Adopted** this 12th day of August 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**  
City Secretary

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

The eighth item on the agenda was to review and consider a resolution of the Wharton City Council amending the agreement with HDR Engineering Inc. for the levee real estate support services for the City of Wharton, Wharton Flood Risk Management Project and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the City Council approved and entered into an agreement for Levee Real Estate Support Services Consultant for the City of Wharton, Wharton Flood Risk Management Project with HDR Engineering Inc., on June 18, 2019, for a term of five (5) years with two (2) one (1) year extension options. Mrs. Teves said the five (5) year expiration date was June 17, 2024, and the project was still ongoing, and the services were still required. She presented a copy of a one (1) year extension. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2024-76, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-76**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDING THE AGREEMENT WITH HDR ENGINEERING INC. FOR THE LEVEE REAL ESTATE SUPPORT SERVICES FOR THE CITY OF WHARTON, WHARTON FLOOD RISK MANAGEMENT PROJECT AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** On June 18, 2019, the Wharton City Council entered into an agreement with HDR Engineering Inc. for the Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project; and,



**WHEREAS,** The Wharton City Council wishes to ratify and grant a 1-year extension to the agreement with HDR Engineering Inc. for Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project; and,

**WHEREAS,** The City of Wharton and HDR Engineering, Inc. 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 said contract amendment.

**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 ratify and execute the amended agreement with HDR Engineering Inc. for the Levee Real Estate Support Services for the City of Wharton, Wharton Flood Risk Management Project.

**Section II.** The City of Wharton and HDR Engineering, Inc. are hereby bound by the conditions as set forth in the contract amendment.

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

**PASSED, APPROVED, and ADOPTED** this 12<sup>th</sup> day of August 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**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 a resolution of the Wharton City Council ratifying and approving Change Order No. 2 for a cost increase with Capital Underground Utilities, LLC, for the Titus Express waterline extension and authorizing the Mayor to execute all documents related to said Change Order. Director of Planning & Development, Gwyn Teves, stated the work for the Titus Waterline extension started the week of May 28<sup>th</sup> and during construction, the

contractor met with City Staff, and both were unable to locate a shutoff valve to connect the newly installed service lines. Mrs. Teves said the Change Order was to install a stop and a permanent connection and valve and the City Staff was requesting that the City Council ratify Change Order 2 in the amount of \$5935.99. After some discussion, Councilmember, Burnell Neal, moved to approve City of Wharton Resolution No. 2024-77, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2024-77**

**A RESOLUTION OF THE WHARTON CITY COUNCIL RATIFYING AND APPROVING CHANGE ORDER NO. 2 FOR A COST INCREASE WITH CAPITAL UNDERGROUND UTILITIES, LLC, FOR THE TITUS EXPRESS WATERLINE EXTENSION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO SAID CHANGE ORDER.**

**WHEREAS,** The Wharton City Council wishes to ratify and approve Change Order No. 2 for the cost increase of \$5,935.99 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension; 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 ratifies and approves Change Order No. 2 for the cost increase of \$5,935.99 with Capital Underground Utilities, LLC, for the Titus Carwash Express Waterline Extension.

**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 12<sup>th</sup> day of August 2024.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

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**PAULA FAVORS**

City Secretary

Councilmember, David Voulgaris, seconded the motion.

The tenth item on the agenda was to review and consider Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project in the amount of \$131,014.50. Mrs. Teves stated the City Council awarded a contract for construction to Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project. She said Pay Estimate No. 2 had been sent, and a recommendation for payment was requested by the engineer. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 2 from Alsay Incorporated for the Valhalla Water Well Rehabilitation 2023 Project in the amount of \$131,014.50. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The eleventh item on the agenda was to review and consider the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. Mr. Josh Owens presented a copy of the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. After some discussion, Councilmember, Terry Freese, moved to approve the Wharton Economic Development Corporation Fiscal Year 2024-2025 Annual Budget. Councilmember, David Voulgaris, seconded the motion. All voted in favor.

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

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

After some discussion, no action was taken.

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


- A. Finance Committee meeting held July 22, 2024.

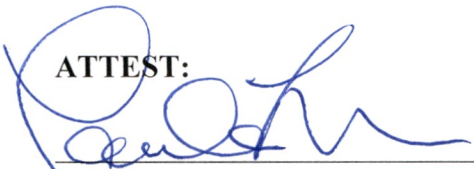
After some discussion, no action was taken.

There being no further discussion, Councilmember, David Voulgaris, moved to adjourn. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The meeting adjourned at 7:30 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

ATTEST:   
**PAULA FAVORS**  
City Secretary

