

**MINUTES  
OF  
CITY OF WHARTON  
CITY COUNCIL REGULAR MEETING  
JANUARY 23, 2023**

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, Russell Machann, 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; Larry Pittman and Steve Schneider.

Councilmember absent was: Clifford Jackson.

Staff members present were: City Manager, Joseph R. Pace; City Attorney, Paul Webb; 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; Public Works Director, Anthony Arcidiacono; Sgt. Stephen Jimenez; Code Enforcement Officer, Nathan Vogt and Building Official, Claudia Velasquez.

Visitors present were: Mike Moss; Katie Moss; Kaye McKlaine; Debbie Folks; Austin Howell; Sam Lilley with Grantworks and Joe Southern with the Wharton Journal Spectator.

**Roll Call and Excused Absences.**

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

**Public Comments.**

Mayor, Tim Barker, called for Public Comments.

Ms. Kaye McKlaine expressed her concerns to the City Council regarding a logo change that the Wharton Economic Development Corporation was requesting to make. Ms. McKlaine stated that she felt it was wasted spending and she wanted a statement of exactly what the logo would be used for.

**Wharton Moment.**

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

**Review and Consider:**

The first item on the agenda was to review and consider a presentation of TDA Form A1024 CDBG Section 3 Goals and Concepts as related to the CDBG Program and Grant Contract CDM-0262. Mr. Sam Lilley, with Grantworks, gave a presentation of TDA Form A1024 CDBG Section 3 Goals and Concepts as related to the CDBG Program and Grant Contract CDM-0262. After some discussion, no action was taken.

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

The third item on the agenda was to review and consider City of Wharton Municipal Election 2023:

Ordinance: An ordinance ordering a City Officer's Election to be held as a joint election with Wharton County Elections Department for the purpose of electing the positions of Mayor and Councilmembers; Providing for the date, time and place of the election, Notice of the Election, Filing Applications; Drawing for Ballot Positions, Use of Accessible Voting System, Appointment of Election Workers, Early Voting and Making Election Returns.

Una ordenanza ordenando una eleccion de funcionarios de la ciudad a celebrarse de forma conjunta con el departamento de elecciones alcalde y del condado de Wharton con el proposito de elegir puestos de concejales; asignando la fecha, Horas, Y presentacion de solicitudes, sorteo para lugares en la balota, use de sistema de votacion accesible, Nombramiento de los trabaj adores de la eleccion, votacion anticipada, Y entrega de los resultados de la eleccion.

City Secretary, Paula Favors, stated it was time to order the City of Wharton Joint Election with the Wharton County Elections Department. Mrs. Favors stated the Election was set for May 6, 2023. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2023-01A and 2023-01B, which read as follows:

**CITY OF WHARTON, TEXAS  
ORDINANCE NO. 2023-01A**

**AN ORDINANCE ORDERING A CITY OFFICERS ELECTION TO BE HELD AS A JOINT ELECTION WITH WHARTON COUNTY ELECTIONS DEPARTMENT FOR THE PURPOSE OF ELECTING THE POSITIONS OF COUNCILMEMBERS; PROVIDING FOR THE DATE, TIME, AND PLACE OF THE ELECTION, NOTICE OF THE ELECTION, FILING APPLICATIONS, DRAWING FOR BALLOT POSITIONS, USE OF ACCESSIBLE VOTING SYSTEM, APPOINTMENT OF ELECTION WORKERS, EARLY VOTING, AND MAKING ELECTION RETURNS.**

**BE IT ORDAINED by the City Council of the City of Wharton, Texas:**

"Section 32 of the City Charter provides that regular elections to elect members of the city council shall be held on the first Saturday of May each year. At the regular election in each even-numbered year, the voters shall elect a mayor and three councilmen. At the regular election in each odd-numbered year, the voters shall elect three (3) councilmen. The mayor and councilmen shall serve for terms and numbered places as provided in Article II of this charter. The city council may, by ordinance or resolution, order special elections, fix the dates, give notice, and provide all means for holding such special elections."

### **Joint Election**

Wharton County Elections Department will be conducting the duties as described in the Joint Election Agreement.

### **Position**

An election shall be held in the City of Wharton, Texas, for the purpose of electing the following officials for the City:

Councilmember - District No. 1  
Councilmember - District No. 3  
Councilmember at Large - Place No. 5

### **Date**

An election shall be held in the City of Wharton, Texas, on **May 6, 2023**.

### **Time**

The polls shall open for voting at **7:00 a.m.** and shall close at **7:00 p.m.**

### **Location**

The election shall be held at the Wharton Civic Center – Duncan Auditorium, 1924 N. Fulton St., Wharton, Texas; Wharton County Library – El Campo Branch 200 W. Church. El Campo, Texas 77437 and Wharton County Library – East Bernard Branch 746 Clubside Drive East Bernard, Texas 77435.

### **Notice of City Officers' Election**

The Mayor shall cause a notice by publication of this election to be published at least once in a newspaper that is published in the City of Wharton, Texas, and that is in the jurisdiction of the City of Wharton, Texas, which publication shall be not earlier than the **30th day** nor later than the **10th day** before election day.

The Mayor shall also give notice of the election by causing a copy of the notice of election to be posted not later than the **21st day** before election day on the bulletin board located at the City

Hall, 120 East Caney, Wharton, Texas, and used for posting notices of meetings of the Wharton City Council. The notice shall include the location of the polling place.

### **Eligibility to Vote**

The election shall be held in accordance with the Election Code of the State of Texas. Only qualified resident voters of the City of Wharton, Texas, shall be eligible to vote in the election.

### **Candidate Names**

The City Secretary shall, in accordance with the terms and provisions of the Texas Election Code, order the candidate names to be printed on the ballots for said General Election.

### **Filing**

Candidates must file applications for a place on the ballot with the City Secretary of the City of Wharton, Texas, beginning on **January 18, 2023**, and continuing through **5:00 p.m.** on **February 17, 2023**. A declaration of write-in candidacy must be filed not later than **5:00 p.m.** on **February 21, 2023**.

Candidates for City Councilmember must designate the position filed for either Councilmember - District No. 1, Councilmember - District No. 3 or Councilmember at Large - Place No. 5.

### **Drawing for Ballot Positions**

On **February 27, 2023**, at **10:00 a.m.**, a drawing will take place in the office of the City Secretary for the purpose of determining the order of the candidates' names as they are to appear on the ballot.

The City Secretary shall post a notice of the date, hour, and place of the drawing and this notice shall remain posted continuously for at least 72 hours immediately preceding the scheduled time of the drawing.

### **Ballots**

Paper ballots shall be used for the purposes of provisional and mail-out for early voting and provisional for election day.

### **Accessible Voting System**

Section 61.012 of the Texas Election Code requires that the City of Wharton must provide at least one accessible voting system in each polling place used in a Texas election on or after

January 1, 2006. This system must comply with state and federal laws setting the requirements for voting systems that permit voters with physical disabilities to cast a secret ballot.

The Office of the Texas Secretary of State has certified that the ExpressVote BMD voting machines are an accessible voting system that may legally be used in Texas elections.

Sections 123.032 and 123.035 of the Texas Election Code authorize the acquisition of voting systems by local political subdivisions and further mandate certain minimum requirements for contracts relating to the acquisition of such voting systems. The City of Wharton shall lease or rent from the County of Wharton as authorized by Section 123.032.

The City of Wharton hereby adopts for use in Early Voting and Election Day Voting the ExpressVote BMD voting machines as approved by the Secretary of State to comply with HAVA requirements.

### **Elections Recording Management Tabulation System**

The City of Wharton shall lease or rent from the County the ERM (Elections Recording Management) systems for tabulation purposes, if needed.

### **Election Officers**

The Wharton County Elections Department (WCED) will be responsible for the appointment of the presiding judge and alternate judge. The following-named persons are appointed officers for the election:

Early Voting Presiding Judge: Lorna Kaiser  
Early Voting Alternate Presiding Judge: Melvin Sands

Election Day Presiding Judge: Lorna Kaiser  
Election Day Alternate Judge: Melvin Sands

WCED shall arrange the training. WCED is responsible for notifying the election presiding and alternate judges of the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, and will take the necessary steps to insure that the presiding and alternate judges appointed are eligible to serve. The presiding judge, with the assistance from WCED, will be responsible for insuring the eligibility of each appointed clerk hired to assist the judge in the conduct of the election.

### **Early Voting**

Wharton County Elections Administrator is Cindy Richter, appointed early voting clerk and is authorized to appoint other deputies to serve as early voting clerks.

The early voting by personal appearance for the above-designated election shall take place at the Wharton County Annex D, Suite 115, E. Milam, Wharton, Texas. The place for early voting shall remain open on each day that is not a Saturday, Sunday, or an official state holiday, between the hours

of **8:00 a.m.** and **5:00 p.m.**, beginning on **April 24, 2023**, and continuing through **April 28, 2023; Monday, May 1, 2023**, and continuing through **May 2, 2023**, between the hours of **7:00 a.m.** to **7:00 p.m.**

Voters may send ballot applications and mailed ballots to the Wharton County Elections Administrator's office at P.O. Box 390, Wharton, TX 77488.

### **Early Voting Ballot Board**

An Early Voting Ballot Board is hereby established for the purpose of early voting results. Wharton County Elections Administrator shall appoint the Presiding Judge of the Early Voting Ballot Board. Wharton County Elections Administrator shall act as Early Voting Ballot Board Clerk.

### **Compensation for Election Officials and Clerks**

The election officials and clerks shall be compensated in the following manner:

The Election Judge for the **May 6, 2023**, General Election shall be paid \$9.25 per hour. The Election Judge shall also be paid \$25.00 for delivering the precinct records, keys to ballot box or other election equipment and unused election supplies after the election.

The Alternate Judge for the **May 6, 2023**, General Election shall be paid \$8.75 per hour.

The Election Clerk(s) for the **May 6, 2023**, General Election shall be paid \$8.75 per hour.

### **Writ of Election**

Wharton County Elections Administrator shall deliver to the above-appointed presiding judge for the election not later than the **15th day** before election day.

### **Returns**

"Section 41 of the City Charter provides that city elections shall be canvassed within one (1) week after the election; however, pursuant to changes in the Texas Election Code, Section 67.003, the local canvass shall convene not earlier than the third day or later than the **11<sup>th</sup>** day after the election day." The period for official canvass shall be from **May 9 - 17, 2023**. The officers holding the election shall make returns of the results thereof to the Mayor of this City, as required by the Election Code of the State of Texas.

### **Order**

The City Council of the City of Wharton, Texas, shall order the election, in accordance with the foregoing provisions.

### **Severability**

If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on this 23rd day of January, 2023.

**CITY OF WHARTON, TEXAS**

**ATTEST:**

By: \_\_\_\_\_  
**Tim Barker**  
Mayor

\_\_\_\_\_  
**Paula Favors**  
City Secretary

**APPROVED AS:**

\_\_\_\_\_  
**Paul Webb**  
City Attorney

**CIUDAD DE WHARTON, TEXAS  
ORDENANZA N° 2023-01B**

**UNA ORDENANZA ORDENANDO UNA ELECCIÓN DE FUNCIONARIOS DE LA CIUDAD A CELEBRARSE DE FORMA CONJUNTA CON EL DEPARTAMENTO DE ELECCIONES DEL CONDADO DE WHARTON CON EL PROPÓSITO DE ELEGIR PUESTOS DE CONCEJALES; ASIGNANDO LA FECHA, HORAS, Y LUGAR DE LA ELECCIÓN, EL AVISO DE LA ELECCIÓN, PRESENTACION DE SOLICITUDES, SORTEO PARA LUGARES EN LA BALOTA, USO DE SISTEMA DE VOTACIÓN ACCESIBLE, NOMBRAMIENTO DE LOS TRABAJADORES DE LA ELECCION, VOTACIÓN ANTICIPADA, Y ENTREGA DE LOS RESULTADOS DE LA ELECCIÓN.**

**El Consejo Municipal de La Ciudad De Wharton, Texas, ORDENA:**

“La Sección 32 de la Carta Constitutiva establece que se realicen elecciones ordinarias para elegir concejales el primer sábado de mayo de cada año. En la elección regular de cada año par, los votantes elegirán un alcalde y tres concejales. En la elección regular de cada año impar, los votantes elegirán tres (3) concejales. El alcalde y los concejales desempeñarán sus puestos durante el periodo de tiempo y en los lugares numerados según se establece en el Artículo II de esta carta. El consejo municipal puede, ya sea por medio de una ordenanza o de una resolución, ordenar elecciones especiales, fijar las fechas, dar aviso, y ofrecer todos los medios para realizar tales elecciones especiales”

### **Elección conjunta**

El Departamento de elecciones del condado de Wharton realizará las obligaciones descritas en el Acuerdo de Elección Conjunta.

### **Puesto**

Se celebrará una elección en la ciudad de Wharton, Texas, con el propósito de elegir a los siguientes oficiales de la Ciudad:

Concejal - Distrito No. 1  
Concejal – Distrito No. 3  
Concejal de forma irrestricta – Posición No. 5

### **Fecha**

Se celebrará una elección en la ciudad de Wharton, Texas, el **6 de mayo de 2023**.

### **Horas**

Los lugares de votación abrirán para votar a las **7:00 a.m.** y se cerrarán a **las 7:00 p.m.**

### **Lugares**

La elección se celebrará en el Auditorio Duncan del Centro Cívico de Wharton, 1924 N. Fulton Street, Wharton, Texas; la Biblioteca del condado de Wharton – sucursal de El Campo 200 W. Church, El Campo, Texas 77437 y la Biblioteca del condado de Wharton – sucursal de East Bernard 746 Clubside Drive, East Bernard, Texas 77435.

### **Aviso de elección de oficiales municipales**

El Alcalde anunciará el aviso de la elección mediante la publicación del aviso por lo menos una vez en un periódico publicado en la ciudad de Wharton, Texas, y que esté en la jurisdicción de la ciudad de Wharton, Texas, cuya publicación no sea anterior a **30 días** antes ni posterior a **10 días** antes de la fecha del día de la elección.

El Alcalde también anunciará el aviso de la elección mediante la publicación del aviso en el tablero de anuncios ubicado en la Alcaldía, 120 East Caney, Wharton, Texas, utilizado para publicar los avisos de las reuniones del Concejo Municipal de Wharton no después de **21 días** antes de la elección. El aviso contendrá la ubicación del lugar de la votación.

### **Elegibilidad para votar**

La elección se realizará de acuerdo con el Código de Elecciones del estado de Texas. Solamente los electores capacitados de la ciudad de Wharton, Texas, serán elegibles para votar en la elección.

### **Nombres de los candidatos**

La Secretaria Municipal de acuerdo con los términos y disposiciones del Código de Elecciones del estado de Texas ordenará que los nombres de los candidatos sean impresos en las balotas para dicha Elección General.

### **Período de presentación**

Los candidatos deben presentar sus solicitudes para un lugar en la balota a la Secretaria Municipal de la Ciudad de Wharton, Texas, a partir del **18 de enero de 2023** y continuando hasta las **5:00 de la tarde del 17 de febrero de 2023**. La declaración de solicitud de candidato anotado se debe presentar no más tarde de las 5:00 de la tarde del **21 de febrero de 2023**.

Los candidatos para concejales municipales deben designar el puesto al que se están postulando, ya sea para concejal- Distrito No. 1, concejal - Distrito No. 3, o concejal - Distrito No. 5 de forma irrestricta.

### **Sorteo para los lugares en las balotas**

El 27 de febrero de 2023, a las 10:00 de la mañana se celebrará un sorteo en las oficinas de la Secretaria Municipal con el propósito de determinar el orden en que los nombres de los candidatos se imprimirán en la balota.

La Secretaria Municipal publicará el aviso de la fecha, hora y lugar del sorteo y este aviso deberá permanecer anunciado continuamente por lo menos las 72 horas inmediatamente anteriores a la hora programada para tal sorteo

### **Balotas**

Se usarán balotas de papel con los propósitos de los votos provisionales y por correo para la votación anticipada y provisionales para el día de la elección.

### **Sistema de votación Accesible**

La sección 61.012 del Código de Elecciones de Texas requiere que la Ciudad de Wharton deberá ofrecer al menos un sistema de votación accesible en cada lugar de votación usado en cualquier elección de Texas a partir del 1° de enero de 2006. Este sistema debe de cumplir con las leyes federales y estatales que establecen los requisitos para sistemas de votaciones para que los votantes con discapacidades físicas voten en una balota secreta.

La oficina del Secretario de Texas ha certificado que las máquinas de votación Express Vote BMD son un sistema de votación accesible que puede ser usado legalmente en las elecciones de Texas.

Las secciones 123.032 y 123.035 del Código de Elecciones de Texas autorizan a las subdivisiones políticas la adquisición de sistemas de votación y además ordenan ciertos requisitos mínimos para los contratos relacionados con la adquisición de tales sistemas de votación. La Ciudad de Wharton arrendará o alquilará del condado de Wharton según está autorizado por la sección 123.032.

La Ciudad de Wharton por medio del presente adopta para su uso en la votación anticipada y en el día de la elección las máquinas de votación Express Vote BMD según está aprobado por el Secretario del Estado para cumplir con los requisitos HAVA.

### **Sistema de Administración de la Tabulación de los Registros**

La Ciudad de Wharton arrendará o alquilará del condado la (ERM) (Administración de Registros de Elecciones) con los propósitos de tabulación, si fuera necesario.

### **Oficiales de la elección**

El

Departamento de Elecciones del Condado de Wharton (WCED) será responsable del nombramiento del juez presidente y del juez presidente alterno. Las siguientes personas designadas son nombradas como oficiales para la elección;

Juez Presidente de la Votación Anticipada: Lorna Kaiser  
Juez Presidente Alterno de la Votación Anticipada: Melvin Sands

Juez Presidente el Día de la Elección: Lorna Kaiser  
Juez Presidente Alterno el Día de la Elección: Melvin Sands

El WCED dispondrá el entrenamiento. El WCED es responsable de notificar al juez presidente y al juez presidente alterno de los requisitos del Subcapítulo C del Capítulo 32 del Código de Elecciones de Texas, y tomará las medidas necesarias para asegurar que los jueces presidentes y los jueces presidentes alternos nombrados sean elegibles para desempeñar el cargo. El juez presidente, con la asistencia del WCED, será responsable de asegurar la elegibilidad de cada secretaria nombrada para asistir al juez presidente a realizar la elección.

### **Votación anticipada**

La administradora de elecciones del Condado de Wharton es Cindy Richter nombrada como secretaria de la votación anticipada y queda autorizada a nombrar a otros asistentes para desempeñarse como secretarías de la votación anticipada.

La votación anticipada por comparecencia personal para la elección nombrada aquí arriba se realizará en el Anexo D del Condado de Wharton, Sala 115, E. Milam, Wharton, Texas. El lugar de votación anticipada permanecerá abierto cada día que no sea sábado, domingo, o fiesta estatal oficial, desde las **8:00 de la mañana hasta las 5:00 de la tarde**, comenzando el **24 de abril de 2023** y continuando hasta **abril 28 de 2023** inclusive; **el lunes 28 de abril de 2023** y continuando el **2 de mayo de 2023** desde las **7:00 de la mañana a las 7:00 de la noche**.

Los votantes deben enviar las solicitudes de balotas y las balotas votadas por correo a la oficina de la administradora de elecciones del Condado de Wharton: P.O. Box 390, Wharton, Texas 77488.

### **Junta de Balotas de la Votación Anticipada**

Por medio del presente se establece una Junta de Balotas de la Votación Anticipada con el propósito de los resultados de la votación anticipada. La administradora de elecciones del Condado de Wharton nombrará al juez presidente de la Junta de Balotas de la Votación Anticipada. La administradora de elecciones del Condado de Wharton actuará como secretaria de de la Junta de Balotas de la Votación Anticipada.

### **Compensación para los Oficiales y los Secretarios de la Elección**

Los oficiales y los secretarios de la elección serán compensados de la siguiente forma:

El juez de la elección de la elección general del 6 de mayo de 2023 será remunerado a \$9.25 por hora. El juez de la elección también será pagado \$25.00 por entregar los registros de los precintos, las llaves de la caja de las balotas u otro equipo electoral y los suministros electorales que no se hayan usado después de la elección.

El Juez alterno para la elección general del 6 de mayo de 2023 será remunerado a \$8.75 por hora.

Los secretarios de la elección para la elección general del 6 de mayo de 2023 serán remunerados a \$8.75 por hora.

### **Oficio de Elección**

La administradora de elecciones del Condado de Wharton entregará al arriba nombrado juez presidente para la elección no más tarde de **15 días** antes del día de la elección.

### **Resultados**

“La Sección 41 de la Carta Constitutiva dispone que las elecciones municipales serán escrutinadas durante una (1) semana después de la elección; sin embargo, de acuerdo con los cambios del Código de Elecciones de Texas, Sección 67.003, el escrutinio local se congregará no antes del tercer día ni más tarde del onceavo (11) día después del día de la elección.”. El periodo para los escrutinios oficiales será desde el 9 hasta el 17 de mayo de 2023. Los oficiales que realicen la elección deberán entregar los resultados de ella al alcalde de esta Ciudad, según lo requiere el Código de Elecciones de Texas.

### **Orden**

El Consejo Municipal de la Ciudad de Wharton, Texas, ordenará la elección de acuerdo con las siguientes disposiciones.

### **Divisibilidad**

Si algún tribunal de jurisdicción competente dicta que cualquier sección, subsección, oración, cláusula, frase, o parte de esta orden sea inválida o inconstitucional, dicha parte será considerada como disposición separada, distinta e independiente, y dicho dictamen no afectará a la validez de las partes restantes de esta.

### **Promulgación y Aprobación**

**PASADO Y APROBADO** por El Consejo Municipal de la Ciudad de Wharton, Texas, este día 23 de enero de 2023.

**CIUDAD DE WHARTON, TEXAS  
AT ESTIGUACIÓN:**

**Por:** \_\_\_\_\_  
**Tim Barker**  
**Alcalde**

**Por:** \_\_\_\_\_  
**Paula Favors**  
**Secretaria Municipal**

**APROBADO:**

\_\_\_\_\_  
**Paul Webb**  
**Abogado Municipal**

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

The fourth item on the agenda was to review and consider a request from the Beautification Commission to refurbish Railroad Depot Signs as a Boy Scout Eagle Project. Building Official, Claudia Velasquez, stated the Beautification Commission was requesting to obtain approval from the City Council to refurbish four Railroad Depot Signs as a Boy Scout Eagle Project. Mr. Austin Howell with Boy Scout Troop 326, stated that he was requesting to paint the signs, replace the vinyl lettering and secure the signs on the existing poles. After some discussion, Councilmember, Don Mueller, moved to approve allowing Austin Howell with Boy Scout Troop 326, to paint the railroad depot signs, replace the vinyl lettering and secure the signs back on the existing poles. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fifth item on the agenda was to review and consider a resolution of the Wharton City Council approving the purchase of an Asphalt Paving Machine for the City of Wharton Public Works Department and authorizing the Mayor of the City of Wharton to execute all documents related to said purchase. Public Works Director, Anthony Arcidiacono, presented a copy of the quote for a 2009 Volvo PF6160 Asphalt Paving Machine from Servinor Corp. Mr. Arcidiacono stated the machine was lightly used with very low hours and would allow the Public Works Department to pave streets in-house. He said the funds of \$30,000 would be taken from the Capital Improvement Fund. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2023-07, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-07**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING THE PURCHASE OF AN ASPHALT PAVING MACHINE FOR THE CITY OF WHARTON PUBLIC WORKS DEPARTMENT 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 2009 Volvo PF6160 Asphalt Paving Machine from Servinor Corp., for the Public Works Department; and,

**WHEREAS,** The Wharton City Council wishes to approve funding from the Capital Improvement Fund in the amount of \$30,000.00 to be used to purchase said equipment; 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 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 \$30,000.00 to purchase a 2009 Volvo PF6160 Asphalt Paving Machine from Servinor Corp.

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

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

**Passed, Approved, and Adopted** this 23rd day of January 2023.

**CITY OF WHARTON, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
**PAULA FAVORS**  
City Secretary

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

The sixth item on the agenda was to review and consider a resolution of the Wharton City Council authorizing and ratifying the emergency sanitary sewer line repair in the 500 Block of East Alabama Street and authorizing the City Manager of the City of Wharton to execute all documents related to said ratification. Public Works Director, Anthony Arcidiacono, presented a copy of a memorandum from him regarding the emergency Sanitary Sewer Line Repair on Alabama Street between Olive Street and Walnut Street. Mr. Arcidiacono stated that on Wednesday, January 11, 2023, the Public Works Department went to replace the Sanitary Sewer Service Line at 506 East Alabama Street due to multiple stoppages at this property. He said that during the repair, the main collapsed and the crews worked to remove debris and to expose good sections of pipe to make a temporary repair until the section could be replaced and on January 17, 2023, 270' of 8" Sanitary Sewer Line was replaced by pipe bursting by Ram Rod Utilities. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-08, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-08**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE EMERGENCY SANITARY SEWER LINE REPAIR IN THE 500 BLOCK OF EAST ALABAMA STREET AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION.**

**WHEREAS,** The Public Works Department had to make emergency repairs due to a main sanitary sewer line collapse on Alabama Street between Olive Street and Walnut Street; and,

**WHEREAS,** The Wharton City Council ratifies the emergency repairs and wishes to authorize the City Manager of the City of Wharton to execute all documents related to the repair.

**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 to execute all documents related to the emergency repairs due to a main sanitary sewer line collapse on Alabama Street between Olive Street and Walnut Street

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

**Passed, Approved, and Adopted** this 23rd day of January 2023.

**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 seventh item on the agenda was to review and consider a Pay Request No. 4 from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. Director of Planning & Development, Gwyn Teves, presented a copy of Pay Request No. 4 from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators in the amount of \$37,308.60. After some discussion, Councilmember, Terry Freese, moved to approve Pay Request No. 4 from CF McDonald Electric, Inc., for the Texas HMGP Project DR-4332-0105 COW Critical Facility Generators. 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 a Utility Service Agreement with the Texas Department of Transportation (TxDOT) for utility service relocations on US-59/future I-69 for reimbursement of costs and authorizing the Mayor of the City of Wharton to execute the agreement. Director of Planning & Development, Gwyn Teves, stated the construction of future I-69 through the City Limits was eminent, and City Staff had been working with the Texas Department of Transportation (TxDOT) on required utility services to be relocated. Mrs. Teves stated that to be reimbursed for utility relocation that was being displaced in current City of Wharton Easements, it was required to have the Utility Service Agreement in place prior to beginning the acquisition of replacement easements and then construction. City Attorney, Paul Webb, stated it met his approval and was recommending the City Council consider approving the agreement. After some discussion, Councilmember, Russell Machann, moved to approve City of Wharton Resolution No. 2023-09, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2023-09**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A UTILITY SERVICE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR UTILITY SERVICE RELOCATIONS ON US-59/FUTURE I-69 FOR REIMBURSEMENT OF COSTS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** The Wharton City Council wishes to authorize an Utility Service Agreement with TxDOT for reimbursement of costs for the relocation of utilities for the US-59/Future I-69 Project; and,

**WHEREAS,** The Wharton City Council and TxDOT wishes to be bound by the terms and conditions as outlined in the agreement; and,

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute all documents related to said 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 approves the Utility Service Agreement between the City of Wharton and TxDOT for reimbursement of costs for the relocation of utilities for the US-59/Future I-69 Project.

**Section II.** That the City of Wharton and TxDOT are hereby bound by the terms and conditions as set forth in the agreement.

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

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

**Passed, Approved, and Adopted** this 23<sup>rd</sup> day of January 2023.

**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 an update of City of Wharton Grant Programs. Director of Planning and Development, Gwyn Teves, presented her update of the City of Wharton Grant Programs. After some discussion, no action was taken.

The tenth item on the agenda was to review and consider an update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his memorandum dated January 10, 2023 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/lerb-feasibility-study>. The Project Participation Agreement (PPA) has been executed. Phase I is currently out for solicitation and a site visit will be conducted late January. Phase II Acquisition is tentatively anticipated to be authorized by end of Fall 2023.

**DRAINAGE:**

**1. Stavena Addition Drainage Project.**

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

**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 completed with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program. Project has currently been delayed due to environmental concerns with USACE permitting for jurisdictional waters and we are pending a determination.

**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 completed with the Texas Water Development Board (TWDB) Flood Infrastructure Fund Program. The Public Works Department has also been looking at this project to possibly complete in-house by City Crews.

**WATER/SEWER IMPROVEMENTS:**

**1. On-going Water and Sewer Maintenance Program.**

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

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

Monthly progress meetings are being held. Well drilling complete and pump installation is pending electrical service connection by CenterPoint and delivery of the MCC Panel by E-Contractors. Ground storage tank construction complete. Plant construction still in progress.

**STREET IMPROVEMENTS:**

**1. FM 1301 Extension and Overpass Project Progress Report.**

TxDOT Yoakum District Office. has completed plan review and procurement for construction contractor. Construction kick off meeting to be completed early 2023 and construction to begin Spring 2023.

**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 eleventh 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, Councilmember, Terry Freese, moved to appoint the following:

Term Expiring:

- |                  |                           |               |
|------------------|---------------------------|---------------|
| A. Appointments. |                           |               |
| Sheryl Joost     | Beautification Commission | June 30, 2023 |

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

- B. Resignations.

After some discussion, Councilmember, Russell Machann, moved to approve the resignations of the following:

Sandy Wilkins  
Kenneth Dimmick

Mayor's Committee on People with Disabilities  
Beautification Commission

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

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

- A. Economic Development Committee meeting held January 9, 2023.

After some discussion, no action was taken.

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

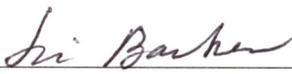
- A. City Secretary/Personnel.
- B. Code Enforcement.
- C. Community Services Department/Civic Center.
- D. Emergency Management.
- E. E. M. S. Department.
- F. Facilities Maintenance Department/Wharton Municipal Pool.
- G. Fire Department.
- H. Fire Marshal.
- I. Legal Department.
- J. Municipal Court.
- 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, Larry Pittman, seconded the motion. All voted in favor.

The meeting adjourned at 7:29 p.m.

**CITY OF WHARTON, TEXAS**

By:   
**TIM BARKER**  
Mayor

ATTEST:



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PAULA FAVORS  
City Secretary

