

**MINUTES
OF
CITY OF WHARTON
SPECIAL CITY COUNCIL MEETING
DECEMBER 21, 2020**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 5:30 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, Clifford Jackson, Russell Machann, Don Mueller, Steve Schneider and Alice Heard-Roberts.

Councilmember absent was: None.

Staff members present were: City Attorney Paul Webb, Finance Director Joan Anandel, City Secretary Paula Favors, TRMC, CPM, MMC, Community Development Director Gwyn Teves, and Interim Public Works Director Amy Horelica.

Visitors present were: Chad Emmel, P.E., with BEFCO, Inc., Bradley Loehr, P.E. with BEFCO, Inc. and Albert Villegas, with the Wharton Journal Spectator.

Roll Call and Excused Absences.

Councilmember Clifford Jackson moved to excuse Councilmember Alice Heard-Roberts. Councilmember Russell Machann seconded the motion. All voted in favor.

Public Comments.

Mayor Tim Barker called for Public Comments. No comments were made.

Wharton Moment.

Mayor Tim Barker called for Wharton Moments. Mayor Barker stated that longtime resident Mr. John McCain passed away at one-hundred and two years of age on Sunday, December 20, 2020, and that Mr. McCain would be greatly missed.

Review and Consider:

The first item on the agenda was to review and consider the City of Wharton 2020 Street Improvement Project:

- A. Pay Request No. 1 from BEFCO Engineering for the City of Wharton 2020 Street Improvement Project.

City Manager Andres Garza, Jr. presented a copy of pay request from BEFCO Engineering for the City of Wharton 2020 Street Improvement Project in the amount of \$521,297.51. Interim Public Works Director Amy Horelica stated a punch list of issues with the completed portions of the Street Improvement Project had been created and the issues would be addressed. City Attorney Paul Webb stated that he had reviewed the issues and the contract and he did not want the City to be in violation of the contract if a payment was not made. City Attorney Webb said a performance bond was in place if there were any issues with the project not being completed. After some discussion, Councilmember Russell Machann moved to approve Pay Request from BEFCO Engineering for the City of Wharton 2020 Street Improvement Project in the amount of \$521,297.51. Councilmember Don Mueller seconded the motion. All voted in favor.

Councilmember Alice Heard-Roberts arrived 5:37 p.m.

The second item on the agenda was to review and consider a resolution of the Wharton City Council approving an agreement between the City of Wharton and Texas Department of Transportation to contribute right-of-way funds and authorizing the Mayor of the City of Wharton to execute all documents relating to said agreement. City Manager Andres Garza, Jr. presented a copy of a letter to him from Mr. Paul Reitz, P.E., Yoakum District Engineer, regarding the replacement of traffic signals on FM 102. City Manager Garza stated the proposed construction would require .0716 acres of new right-of-way at the intersection of FM 102 and SH 60. Community Development Director Gwyn Teves stated that in accordance with the Texas Administrative Code Title 43, Part 1, Chapter 15, Subchapter E. Federal and State and Local Participation, Section 15.55, TxDOT was asking the City of Wharton for a fixed amount of the estimated cost of right-of-way acquisition and eligible utility adjustments. Mrs. Teves said the original agreement to contribute right of way funds (Fixed Price) between the City of Wharton and the State of Texas obligated the City to contribute \$950.00 reflecting 5% of the total estimated right of way cost of \$19,000.00. After some discussion, Councilmember Russell Machann moved to approve City of Wharton Resolution No. 2020-137, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2020 -137**

A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING AN AGREEMENT BETWEEN THE CITY OF WHARTON AND TEXAS DEPARTMENT OF TRANSPORTATION TO CONTRIBUTE RIGHT OF WAY FUNDS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATING TO SAID AGREEMENT.

WHEREAS, The Texas Department of Transportation is proposing to replace the traffic signals on FM 102; and,

WHEREAS, In accordance with the Texas Administrative Code Title 43, Part 1, Chapter 15, Subchapter E. Federal and State and Local Participation, Section 15.55, TxDOT is

asking the City of Wharton for a fixed amount of the estimated cost of right of way acquisition and eligible utility adjustments; and,

WHEREAS, The City's contribution is \$950.00, reflecting 5% of the total estimated right of way cost of \$19,000.00; and,

WHEREAS, The City of Wharton wishes to authorize the Mayor of the City of Wharton to execute an agreement between Texas Department of Transportation and the City of Wharton for contribution for right-of-way funds; and,

WHEREAS, The City of Wharton and Texas Department of Transportation wishes to be bound by the conditions set forth in said 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. That the Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement with Texas Department of Transportation for contribution right-of-way funds.

Section II. That the City of Wharton and Texas Department of Transportation are hereby bound by the conditions set forth in the agreement.

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

Passed, Approved, and Adopted this 21st day of December 2020.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:


PAULA FAVORS

City Secretary

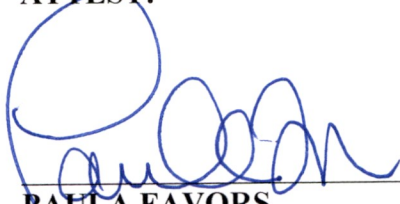
Adjournment. There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Terry Freese seconded the motion. All voted in favor.

The meeting adjourned at 5:40 p.m.

CITY OF WHARTON, TEXAS

By: 
TIM BARKER
Mayor

ATTEST:



PAULA FAVORS
City Secretary

