

**MINUTES
OF
CITY OF WHARTON
CITY COUNCIL REGULAR MEETING
AUGUST 22, 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; Assistant City Attorney, Amy Rod; Finance Director, Joan Andel; City Secretary, Paula Favors, TRMC, CPM, MMC; Director of Planning and Development, Gwyn Teves, CPM; Assistant to the City Manager, Brandi Jimenez; Police Chief, Terry David Lynch; Detective, Ariel Soltura; Patrol Sgt., Stephen Jimenez; Patrol Officer, Justin Shimeck and Public Works Director, Anthony Arcidiacono.

Visitors present were: Kodi Kieler, President of the Wharton County Farmer's Market; Cori Staudacher, Vice-President of the Wharton County Farmer's Market; Adraylle Watson; Ken Schott with Waterstone Development Group 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 Public Works Department received delivery of a new vacuum truck that would help the department better handle sewer cleanout issues in a timely manner.

Public Hearing:

1. Public Hearing: Creation of Public Improvement District (PID).

Mayor, Tim Barker, called for comments on the Public Hearing. No comments were given. Mayor Barker closed the hearing at 7:01 p.m.

Review and Consider:

The first item on the agenda was to review and consider Wharton Public Improvement District No. 1:

- A. Resolution: Resolution creating the Wharton Public Improvement District No. 1 in accordance with Chapter 372 of the Texas Local Government Code; providing for related matters; and providing an effective date.
- B. Authorize the City Secretary to file the Resolution Establishing Wharton Public Improvement District No. 1 with the County Clerk of Wharton County.

City Manager, Joseph R. Pace, presented a draft copy of a resolution creating the Wharton Public Improvement District No. 1 from Mr. Ken Schott of Waterstone Development Group. After some discussion, Councilmember, Russell Machann, moved to approve authorizing the City Manager to begin negotiations with Waterstone Development Group on a development agreement, authorizing the City Secretary to file the Resolution Establishing Wharton Public Improvement District No. 1 with the County Clerk of Wharton County, and City of Wharton Resolution No. 2022-81, which read as follows:

**CITY OF WHARTON, TEXAS
RESOLUTION NO. 2022-81**

**RESOLUTION CREATING THE WHARTON PUBLIC IMPROVEMENT
DISTRICT NO. 1 IN ACCORDANCE WITH CHAPTER 372 OF THE TEXAS
LOCAL GOVERNMENT CODE; PROVIDING FOR RELATED MATTERS;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Wharton, Texas (the "City"), is authorized by Chapter 372 of the Texas Local Government Code, as amended (the "Act"), to create a public improvement district within its corporate limits and extraterritorial jurisdiction; and,

WHEREAS, on July 14, 2022, Raymond C. Harrison Sr. Properties FLP, a Texas limited partnership (the "Petitioner") submitted and filed with the City Secretary for the City a petition (the "Petition") requesting the establishment of Wharton Public Improvement District No. 1 (the "District"), which is located within the extraterritorial jurisdiction of the City of Wharton, Texas and more particularly described by the metes and bounds in Exhibits A and B (the "Property"), attached hereto and incorporated herein for all purposes; and,

WHEREAS, the City Council of the City (the "City Council") has investigated and determined that the facts contained in the Petition are true and correct; and,

WHEREAS, after publishing notice in the *Wharton Journal-Spectator*, a newspaper of general circulation of Wharton County and the extraterritorial jurisdiction of the City of Wharton, Texas, and mailing notice of the hearing, all as required by and in conformity with the Act, the City Council opened a public hearing on the advisability of the improvements on August 8, 2022, the published date, and continued it until the next City Council meeting, and was again opened on August 22, 2022 and closed on such date; and,

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

Section 1. The findings set forth in the recitals of this Resolution are hereby found to be true and correct.

Section 2. The Petition submitted to the City by the Petitioner was filed with the City Secretary and complies with Section 372.005 of the Act.

Section 3. Pursuant to the requirements of the Act, including, without limitation, Sections 372.006 and 372.009, the City Council, after considering the Petition and the evidence and testimony presented at the public hearing on August 8, 2022, hereby finds and declares:

- a) Advisability of the Authorized Improvements. It is advisable to create the District to provide the Authorized Improvements (as described below). The Authorized Improvements are feasible and desirable and will promote the interests of the City and will confer a special benefit on the Property.
- b) General Nature of Authorized Improvements. The general nature of the proposed public improvements (collectively, the "Authorized Improvements") are those permitted by the Act including, without limitation, any or all of the following to the extent permitted by the Act: (i) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility construction and relocation, signalization, landscaping, lighting, signage, entry monumentation, off-street parking and right-of-way; (ii) design, construction and other allowed costs related to improvement of parks and open space, together with any ancillary structures, features or amenities such as trails, playgrounds, walkways, artwork, lighting and any similar items located therein; (iii) design, construction and other allowed costs related to sidewalks and landscaping and hardscaping, fountains, lighting and signage; (iv) design, construction and other allowed costs related to water, wastewater and drainage (including detention); (v) acquisition, by purchase or otherwise, of real property in connection with any Authorized Improvement; (vi) design, construction and other allowed costs related to projects similar to those listed in subsections (i) - (v) above authorized by the Act, including off-site projects that provide a benefit to the Property; (vii) special supplemental services for improvement and promotion of the District that are allowed or permitted under the Act, including services

relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (viii) payment of costs associated with establishment, administration, and operation of the District and those related to operating and maintaining the Authorized Improvements; and (x) payment of costs associated with developing and financing the Authorized Improvements, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

- c) Estimated Cost of the Authorized Improvements. The estimated cost to design, acquire, and construct the Authorized Improvements, together with bond issuance costs, eligible legal and financial fees, eligible credit enhancement costs and eligible costs incurred in the establishment administration and operation of the District, is \$36,000,000.00.
- d) Boundaries of the District. The District is proposed to include the contiguous Property comprising approximately 31.294 acres as stated in Exhibit A and 101.536 acres as stated in Exhibit B attached and made a part hereof.
- e) Method of Assessment. The City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and principal), and certain assessments may be paid in annual installments (including interest and principal).
- f) Apportionment of Costs Between the District and the City. The City will not be obligated to provide any funds to finance the Authorized Improvement, other than from assessments levied against the Property within the District.
- g) Management of the District. The District shall be managed by the City, with the assistance of a consultant, who shall, from time to time, advise the City regarding certain operations of the District.
- h) Advisory Board. The District shall be established managed without the creation of an advisory body.

Section 4. The Wharton Public Improvement District No. 1 is hereby authorized and created as a public improvement district under the Act and in accordance with the findings of the City Council as to the advisability of the Authorized Improvements contained in this Resolution, the general nature of the Authorized Improvements, the estimated costs of the Authorized Improvements, the boundaries of the District, the method of assessment, the apportionment of costs as described herein, the management of the District and the advisory board; and the conclusion that the District is needed to fund such Authorized Improvements.

Section 5. Not later than the seventh date the City adopts this Resolution, the City Secretary shall file a copy of this Resolution with the County Clerk of Wharton County, Texas.

Section 6. This Resolution shall take effect immediately from and after its passage and filing as required by law.

PASSED, APPROVED AND ADOPTED on this 22th day of August, 2022.

CITY OF WHARTON, TEXAS

By: _____
Tim Barker, Mayor

ATTEST:

Paula Favors, City Secretary

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

The second item on the agenda was to review and consider City Manager's submission of the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2022-September 30, 2023. Finance Director, Joan Anandel, stated that on or about, Friday, August 19, 2022, she filed with City Secretary, Paula Favors, the City of Wharton Fiscal Year October 1, 2022 to September 30, 2023 Proposed Budget as required by State Law. Mrs. Anandel said that under separate cover, on Monday, August 22, 2022, she presented a copy of the Proposed City Budget as required by Article VI-Section 51 of the City's Charter. After some discussion, no action was taken.

The third item on the agenda was to review and consider setting a Public Hearing date for the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2022-September 30, 2023. Finance Director, Joan Anandel, stated that under Article VI, Section 53 of the City of Wharton Charter the City Council shall set a time and place for a Public Hearing. Mrs. Anandel said that if the date was approved by the City Council, the City Staff would publish the Notice of Public Hearing on Wednesday, August 31, 2022, in the Wharton Journal Spectator. She said that it was the staff recommendation the Public Hearing be set for the September 12, 2022, Regular City Council meeting. After some discussion, Councilmember, Steve Schneider, made the motion to set the Public Hearing date for the City of Wharton, Texas, Proposed Budget for the Fiscal Year October 1, 2022-September 30, 2023 for September 12, 2022. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a resolution of the Wharton City Council adopting a Proposed Property Tax Rate for the City of Wharton October 1, 2022-September 30, 2023 Fiscal Year Budget as required by state law. Finance Director, Joan Anandel, presented a copy of the 2022 Tax Rate Calculation Worksheet which was prepared listing the applicable tax rates to be used in consideration of setting the tax rate. Mrs. Anandel stated the State required the City Council to adopt a proposed rate and the Proposed Budget was based on the Voter-Approval Tax Rate of \$0.41761. After some discussion, Councilmember, Don Mueller, moved to approve City of Wharton Resolution No. 2022-82, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-82**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ADOPTING A PROPOSED
PROPERTY TAX RATE FOR THE CITY OF WHARTON OCTOBER 1, 2022-
SEPTEMBER 30, 2023 FISCAL YEAR BUDGET AS REQUIRED BY STATE LAW.**

WHEREAS, The State of Texas Property Tax Code requires the City Council to approve a tax rate prior to setting a final tax rate; and,

WHEREAS, The Wharton City Council wishes to adopt a proposed tax rate prior to setting a final rate; and,

WHEREAS, The City Manager of the City of Wharton has submitted to the City Council a Proposed Budget for the October 1, 2022-September 30, 2023 Fiscal Year.

**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 wishes to adopt the proposed tax rate as follows:

1. Voter Approval Tax Rate- \$0.41761.

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

Passed, Approved, and Adopted this 22nd day of August 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER

Mayor

ATTEST:

PAULA FAVORS

City Secretary

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

The fifth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 86, Sections 86-15, 86-16, 86-17, and 86-21, Utilities and Services, Article I in General; Providing that a violation of the ordinance or any part of the Code

as adopted hereby shall constitute a penalty upon conviction of a fine; Providing a savings clause and revoking all ordinances or parts of ordinances in conflict herewith only to the extent same are in conflict herewith otherwise provided herein. Finance Director, Joan Anzel, presented a copy of the memorandum dated August 15, 2022, from her regarding the proposed increase in utility rates for customers to be effective October 1, 2022. Mrs. Anzel stated that as discussed in the City Council Budget Workshop on August 9, 2022, the Proposed Budget includes a 10% increase in water and sewer rates. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Ordinance No. 2022-11, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-11**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86, SECTIONS 86-15, 86-16, 86-17 AND 86-21, UTILITIES AND SERVICES, ARTICLE I IN GENERAL; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING A SAVINGS CLAUSE AND REVOKING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH ONLY TO THE EXTENT SAME ARE IN CONFLICT HEREWITH OTHERWISE PROVIDED HEREIN.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that Chapter 86, Utilities and Services, Article I in General; Sections 86-15, 86-16, 86-17 and 86-21 be amended by the following:

Section I. Amendment

The Code of Ordinances of the City of Wharton, Texas, Chapter 86 Utilities and Services is hereby amended to be enforced by the City of Wharton as follows:

Sec. 86-15. - Water and sewer tap charges, deposits, administrative penalties, and other charges.

Water and sewer tap charges, deposits, administrative penalties, and other charges shall be as follows:

(1) *Water*. Standard water tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service

a.	¾-inch T-off	\$345.20
b.	¾-inch	\$690.36
c.	1-inch	\$907.34 + cost of meter
d.	1½-inch	\$1,361.00 + cost of meter
e.	2-inch	\$1,814.51 + cost of meter

(2) *Sewer*. Standard sewer tap fees for customers inside the city limits and outside the city limits are as follows:

	Size of Tap	Cost of Service
a.	4-inch	\$690.36
b.	6-inch	\$1,134.00

Sec. 86-16. - Water service charges.

(a) The monthly charges for water service rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)... \$31.36
 Next 2,000 gallons, per 1,000... \$5.96
 Next 3,000 gallons, per 1,000... \$6.16

Next 4,000 gallons, per 1,000...	\$6.40
Next 4,000 gallons, per 1,000...	\$6.82
Next 35,000 gallons, per 1,000...	\$7.22
Next 50,000 gallons, per 1,000...	\$7.48
Next 50,000 gallons, per 1,000...	\$8.04
Next 50,000 gallons, per 1,000...	\$8.54

(b) Customers requesting temporary water services (seven-day increments) can apply for a temporary water rate based on the following:

Volume Charges:

First 8,000 gallons for seven days...	\$72.45
Over 8,000 gallons, per 1,000...	\$6.62

Sec. 86-17. - Sewer service charges.

(a) The monthly charges for sanitary sewer services rendered by the city shall be as follows:

Volume Charges:

First 2,000 gallons (minimum)...	\$33.69
Next 2,000 gallons, per 1,000...	\$5.24
Next 3,000 gallons, per 1,000...	\$6.40
Next 4,000 gallons, per 1,000...	\$7.11
Next 4,000 gallons, per 1,000...	\$7.62
Next 35,000 gallons, per 1,000...	\$8.39
Next 50,000 gallons, per 1,000...	\$8.98
Next 50,000 gallons, per 1,000...	\$9.50
Next 50,000 gallons, per 1,000...	\$10.20

Sec. 86-21. - Bulk water rates.

(a) Bulk sales through fire hydrant water meters temporarily installed at locations remote from the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) Advance, nonrefundable payment of \$50.00 to the City of Wharton at City Hall for setting the meter connection at the fire hydrant or other appropriate locations as the city may determine; and
- (2) Payment of bulk sales rate of \$120.74 per month for the first 1,000 gallons of water dispensed, or any fraction thereof: \$48.31 per month per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and
- (3) Advance, refundable fire hydrant meter deposit payment of \$200.00 to the City of Wharton at City Hall.

(b) Bulk sales through permanently installed water meter dispensation point at the Wharton Volunteer Fire Department on Fulton Street will require the following:

- (1) No requirement for payment of meter setting fee; and,
- (2) Payment of bulk sales rate of \$120.74 for the first 1,000 gallons of water dispensed, or any fraction thereof; \$48.31 per 1,000 gallons dispensed, or any fraction thereof, beyond the initial 1,000 gallons dispensed; and,
- (3) No requirement for payment of the \$200.00 fire hydrant meter deposit, however each water dispensation transaction authorized under this section must be prepaid to the City of Wharton at City Hall where a one-day dispensation voucher will be issued for presentation to the water plant operator to authorize a one-day dispensation of a not to exceed amount of water in gallons. The one-day dispensation voucher identifying the cumulative number of gallons purchased will allow for scheduled multiple withdrawals of water, but only during the same City of Wharton working day upon which initial dispensation commences.

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 a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

Penalties and Fines

Any person knowingly or recklessly found violating and are convicted of a violation of this ordinance shall be fined in an amount not to exceed \$2,000.00. Each day or fraction of a day during which this ordinance or any part thereof is violated shall be deemed a separate offense and punishable as such.

Effective Date

This ordinance shall be effective on the 1st day of October 2022 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, this 22nd day of August 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS:

PAUL WEBB
City Attorney

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

The sixth item on the agenda was to review and consider Green for Life (GFL), formerly Waste Corporation of America (WCA), Rate Modification to the Solid Waste Collection and Disposal Service Franchise Agreement:

- A. Resolution: A resolution of the Wharton City Council approving Amendment No. 3 to the Franchise Agreement for Solid Waste Collection Services with formerly Waste Corporation of America, presently Green for Life dated October 1, 2018 and authorizing the Mayor of the City of Wharton to execute said agreement.
- B. Ordinance: An ordinance repealing and replacing the City of Wharton Code of Ordinances, Chapter 86 Utilities and Services, Article III, Solid Waste Disposal Exhibit A, providing that a violation of the ordinance or any part of the Code as adopted hereby shall constitute a penalty upon conviction of a fine and setting an effective date.

Finance Director, Joan Andel, presented a copy of the memorandum dated August 17, 2022, from her providing a copy of the letter dated August 11, 2022, from Mr. David Selesky of Green for Life (GFL), regarding their rate modification regarding to the Solid Waste Collection and Disposal Service Franchise between the City of Wharton and GFL. Mrs. Andel stated GFL may request rate modifications in accordance with Section 14.00, Basis and Methods of Payment, Item 14.02 Modification of Rates of the General Specifications of the Franchise Agreement. She said Mr. Selesky stated in the letter, the rate increase was 5.0% in accordance with the price index mentioned in the City's franchise agreement with GFL. Mrs. Andel said that at the Budget Workshop on August 9, 2022, the City Staff proposed a five (5) % increase but this was prior to receiving this request and City Staff was now requesting a total solid waste increase of seven (7) %. She said the Finance Committee met on August 22, 2022, and were recommending the City Council consider approving the request. After some discussion, Councilmember, Clifford Jackson, moved to approve City of Wharton Resolution No. 2022-83 and City of Wharton Ordinance No. 2022-12, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-83**

A RESOLUTION OF THE WHARTON CITY COUNCIL AMENDMENT NO. 3 TO THE FRANCHISE AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH GREEN FOR LIFE (GFL) AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.

WHEREAS, On August 26, 2019, the Wharton City Council approved Resolution No. 2019-92 approving the franchise agreement between the City of Wharton and formerly Waste Corporation of America, presently Green for Life (GFL) to be effective October 1, 2019; and,

WHEREAS, The Wharton City Council wishes to amend Exhibit “A” of the Franchise Agreement to reflect the increase in rates as set forth in Section 14.02 Modification of Rates of the contract; and,

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

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

WHEREAS, That this resolution is passed in accordance with said contract.

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

Section I. That the Wharton City Council hereby approves to amend Exhibit “A” of the Franchise Agreement between the City of Wharton and Green for Life.

Section II. That the Wharton City Council hereby establishes the rates outlined in the Exhibit “A” of the Agreement.

Section III. That the effective date of the Exhibit “A” will be the 1st day of October 2022.

Section IV. That the Mayor of the City of Wharton is hereby authorized to execute the Agreement Amendment.

Passed, Approved, and Adopted this 22nd day of August 2022.

CITY OF WHARTON, TEXAS

By: _____

TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

**CITY OF WHARTON
ORDINANCE NO. 2022-12**

AN ORDINANCE REPEALING AND REPLACING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 86 UTILITIES & SERVICE, ARTICLE III, SOLID WASTE DISPOSAL EXHIBIT A; PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas, that Chapter 86 Utilities & Service, Article III Solid Waste Disposal Exhibit A shall be replaced as follows:

**SCHEDULE “A”
Base Rates**

Monthly Residential Waste Collection
\$26.61 per Residential Unit which includes a \$3.00 per month fee.

Monthly Commercial Hand Collection
\$34.31 per Commercial Unit which includes a \$3.50 per month fee.

Container Service (per month) includes a \$3.50 fee

2 yd 1xwk	\$74.38
2xwk	\$133.93
3xwk	\$172.26
4xwk	\$238.28
5xwk	\$296.99
Additional Pick-up	\$81.22
3yd 1xwk	\$109.83
2xwk	\$197.73
3xwk	\$264.58
4xwk	\$355.69
5xwk	\$443.72

Additional Pick-up	\$117.88
4yd 1xwk	\$137.50
2xwk	\$240.67
3xwk	\$341.45
4xwk	\$473.07
5xwk	\$590.46
Additional Pick-up	\$148.28
6yd 1xwk	\$195.86
2xwk	\$376.11
3xwk	\$525.62
4xwk	\$707.89
5xwk	\$883.97
Additional Pick-up	\$209.15
8yd 1xwk	\$243.03
2xwk	\$454.08
3xwk	\$679.41
4xwk	\$942.64
5xwk	\$1,177.42
Additional Pick-up	\$257.31

Rates for Roll-offs:

Delivery Fee	\$131.86
Monthly Rental	\$158.23
Pull Price (per pull)	\$168.47
Disposal Fee-Loose (per yard)	\$9.23
Disposal Fee-Compact (per yard)	\$11.48

Rates for Other Services:

Hourly Rate	\$129.12
Disposal per cubic yard	\$9.02

PENALTY

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

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.

EFFECTIVE DATE

This Ordinance shall become effective at 12:01 a.m. on the 1st day of October 2022.

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 22nd day August 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The seventh item on the agenda was to review and consider City of Wharton Financial Report for July 2022. Finance Director, Joan Anandel, presented the City of Wharton Financial Report for July 2022. After some discussion, Councilmember, Russell Machann, moved to approve the City of Wharton Financial Report for July 2022. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The eighth item on the agenda was review and consider a request from Mr. Marshall Francis and Mr. Ronnie Wittig (owners) on behalf of F & W Storage Inc., 210 West Third Street, Toxey, Block ODD, Lot 3, 3B and Victor Subdivision, Block 4, Lot 7 Replat for a 20-foot variance from

the required 25-foot front property line setback and a zero-lot line setback to build over 2 property lines for the construction of a new building to expand their business. Director of Planning & Development, Gwyn Teves, presented a copy of the request from Mr. Marshall Francis and Mr. Ronnie Wittig (owners) on behalf of F & W Storage Inc., 210 West Third Street, Toxey, Block ODD, Lot 3, 3B and Victor Subdivision, Block 4, Lot 7 Replat for a 20-foot variance from the required 25-foot front property line setback and a zero-lot line setback to build over 2 property lines for the construction of a new building to expand their business. Mrs. Teves stated the Planning Commission met on Monday, August 15, 2022, and voted to recommend this to the City Council for consideration. After some discussion, Councilmember, Terry Freese, moved to approve the request from Mr. Marshall Francis and Mr. Ronnie Wittig (owners) on behalf of F & W Storage Inc., 210 West Third Street, Toxey, Block ODD, Lot 3, 3B and Victor Subdivision, Block 4, Lot 7 Replat for a 20-foot variance from the required 25-foot front property line setback and a zero-lot line setback to build over 2 property lines for the construction of a new building to expand their business. Councilmember, Larry Pittman, seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider a request from the Wharton County Farmer's Market for the use of Riverfront Park for the Fall Market, beginning each Saturday, from October 1, 2022 to December 15, 2022. City Manager, Joseph R. Pace, presented a copy of the request from the Wharton County Farmer's Market for the use of Riverfront Park for the Fall Market, beginning each Saturday, from October 1, 2022 to December 15, 2022. Ms. Kodi Kieler, President of the Wharton County Farmer's Market, stated the Farmer's Market was requesting the use of Riverfront Park due to the weather and the lack of amenities at Guffey Park. Ms. Kieler said they were also requesting to use the electricity outlets under the pavilion and along the sidewalks and agreed to commit to maintaining the restrooms by providing all paper products and soap as well as cleaning the restrooms before each market. She requested the City Council also consider waiving the glass container in City Parks Ordinance and the usage fee. After some discussion, Councilmember, Russell Machann, moved to approve the request as presented. Councilmember, Terry Freese, seconded the motion. All voted in favor.

The tenth item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; providing for severability and setting an effective date. City Manager, Joseph R. Pace, presented a copy of a memorandum from Chief, Terry David Lynch, regarding a safety issue at the intersections of Sunny Lane and Mockingbird Lane. Detective, Ariel Soltura, stated that Sunny Lane, was a frequently used East to West (and vice-versa) traffic corridor that connected Alabama Road and Fulton Street, with very few traffic control devices. Detective Solturs said Sunny Lane/Mockingbird Lane connected two WISD schools; Sivells Elementary and Wharton Junior High School. He said the Police and Public Works Departments had coordinated to add stop signs at the intersections of 700 Mockingbird Lane (facing East) and 700 Sunny Lanes (facing West). There is an existing stop sign placed at 600 Sunny Lane (facing North). Detective Soltura said that Stop Signs at this location will serve multiple purposes such as aid in reducing vehicular speeds and enhance student and traffic safety through residential neighborhoods. After some

discussion, Councilmember, Terry Freese, moved to approve City of Wharton Ordinance No. 2022-13, which read as follows:

**CITY OF WHARTON
ORDINANCE NO. 2022-13**

AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF ORDINANCES, CHAPTER 82 TRAFFIC, PROVIDING THAT A VIOLATION OF THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Wharton, Texas that the City of Wharton Code of Ordinances, Chapter 82 Traffic, shall read as follows:

ARTICLE II. OPERATION OF VEHICLES

Sec. 82-63. Stop intersections designated.

The following intersections in addition are designated as stop intersections and stop signs shall be erected as follows:

1. 700 Mockingbird Lane at 600 Sunny Lane, facing East
2. 700 Sunny Lane at 700 Mockingbird Lane, facing West

Penalty Clause

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

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.

Effective Date

This Ordinance shall become effective on the 2nd day of September 2022 at 12:01 a.m.

Passage and Approval

PASSED AND APPROVED by the City Council of the City of Wharton, Texas, on the 22nd day of August 2022.

CITY OF WHARTON, TEXAS

By: _____
TIM BARKER
Mayor

ATTEST:

PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

PAUL WEBB
City Attorney

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

The eleventh 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 at Rusk Street and Milburn 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 his memorandum regarding the emergency sanitary sewer line repair at Rusk Street and Milburn Street. Mr. Arcidiacono stated that on Thursday, July 14, 2022, after numerous stoppage calls from the Rusk St. / Milburn area, City crews responded and located several cave ins along the 6” sanitary sewer line. He said Magna Flow came to clean and televise the line for \$10,810.88 and Ram Rod Utilities, LLC performed the emergency sanitary sewer line repair and replacement for \$34,450.00. The following items/services have been performed or ordered in order to complete the repairs. After some discussion, Councilmember, Terry Freese, moved to approve City of Wharton Resolution No. 2022-84, which read as follows:

**CITY OF WHARTON
RESOLUTION NO. 2022-84**

A RESOLUTION OF THE WHARTON CITY COUNCIL AUTHORIZING AND RATIFYING THE EMERGENCY SANITARY SEWER LINE REPAIR AT RUSK STREET AND MILBURN STREET AND AUTHORIZING THE CITY MANAGER OF THE CITY OF WHARTON TO EXECUTE ALL DOCUMENTS RELATED TO SAID RATIFICATION.

WHEREAS, The City of Wharton had to make emergency repairs due to a cave in of a six-inch sanitary sewer line at Rusk Street and Milburn 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.

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 cave in of a six-inch sanitary sewer line at Rusk Street and Milburn Street.

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

Passed, Approved, and Adopted this 22nd day of August 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 twelfth item on the agenda was to review and consider the update of City of Wharton Grant Programs. Director of Planning and Development, Gwyn Teves, presented the City of Wharton Grant Programs update. After some discussion, no action was taken.

The thirteenth item on the agenda was to review and consider the update of City of Wharton on-going Projects. City Manager, Joseph R. Pace, presented a copy of his City of Wharton projects memorandum dated August 8, 2022, 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.

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 July.

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 August pending delivery. 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 Jones & Carter Engineering on utility relocations of water and sewer lines along I-69 that will be impacted by the expansion.

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

- A. Beautification Commission meeting held July 13, 2022.
- B. Finance Committee meeting held August 8, 2022.
- C. Beautification Commission meeting held August 10, 2022.

After some discussion, no action was taken.

The sixteenth 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 7:25 p.m.

CITY OF WHARTON, TEXAS

By: *Tim Barker*
TIM BARKER
Mayor

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

